

2023-24

Annual Report

Queensland Civil and Administrative Tribunal

About QCAT's annual report

The Queensland Civil and Administrative Tribunal's (QCAT) annual report summarises its performance for 2023-24 and meets accountability requirements under the *Queensland Civil and Administrative Tribunal Act 2009*.

This annual report is accessible at <https://www.qcat.qld.gov.au/about-qcat/publications>.

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Interpreter services



The Queensland Government is committed to providing accessible services to Queenslanders from all cultural and linguistic backgrounds.

If you have difficulty understanding this annual report, contact us on 1300 753 228 to arrange an interpreter.

Letter of compliance

30 September 2024

The Honourable Yvette D'Ath MP
Attorney-General and Minister for Justice and Minister for the Prevention of Domestic and Family
Violence
1 William Street
BRISBANE QLD 4000

Dear Attorney-General,

I present the Queensland Civil and Administrative Tribunal's Annual Report 2023-24.

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

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Kerri Mellifont', written over a horizontal line.

Hon Justice Kerri Mellifont
QCAT President

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President's message

With the announcement of the budget outcome in June of this year came a collective sigh of relief across QCAT that finally there would be a resource injection which would make a real difference in QCAT seeking to achieve its statutory objectives. Since that announcement, we have been working hard to harness the additional resources and put them to their best possible use. We expect to see those efforts start to bear fruit by the new year.

I have previously spoken about QCAT having become a behemoth since its inception. That its jurisdiction grows year-on-year with increasing breadth, diversity, complexity and volume is undeniable. The budget outcome of this year will go some significant distance towards a sustainable QCAT. We will continue to work closely with government to seek to ensure that gaps in resourcing are addressed and that QCAT is properly resourced in order to deliver justice services to Queensland as demand continues to grow. The budget commitment to the creation of senior positions, that is, a head of division for the Civil, Administrative and Disciplinary Division (CAD) and a head of division for the Human Rights Division (HuRD), marks a very meaningful commitment by government to providing continuity of leadership within the Tribunal. Like its counterpart provision in other States, each Head of Division will take on a very important leadership position with respect to the work of their respective division. We look forward to legislation, which will give effect to this critical reform.

I continue to be impressed by the commitment of QCAT's staff and the Tribunal's decision makers to our mission. They have continued to work very hard, achieving remarkable results, despite being stretched well beyond capacity. They each have the gratitude of the Deputy President and myself and we look forward to continue working with them.

This year, I wish to make particular special mention of President Stilgoe OAM, Member McNamara, Member Isdale and the staff of the Land Court. In an initiative commenced for former President Kingham, the Land Court assists QCAT when capacity permits, by making its court rooms available for QCAT hearings and by its members hearing QCAT matters as sessional members of QCAT. This initiative has been wholly embraced by President Stilgoe who has been, and continues to be, a powerhouse in its execution, viewing the delivery of justice services to Queensland as a collective goal. We are very grateful for the generosity of the Land Court and warmly congratulate President Stilgoe on her permanent appointment to the role of President in May 2024.

QCAT is starved for hearing rooms and being able to use some of the Land Court hearing rooms has helped QCAT list additional matters that it would not otherwise have been able to list. We are also grateful that this year's budget has seen an allocation towards finding solutions for QCAT's critical accommodation issues and we look forward to continue to work with government in the future on this ongoing issue. We sincerely thank the Department of Justice and Attorney-General's (DJAG) Perry Munro, Executive Director, Facilities Services Branch, and Linda Heron, Director, Infrastructure Programs Facilities Services, for their insight and assistance in making the best use of QCAT's space possible.

I thank Chief Magistrate Brassington and her deputies for their continued collaboration working in areas of overlapping jurisdiction. Thanks also go to Chief Justice Bowskill and Senior Judge Administrator Martin AM for their support of QCAT. We thank the sitting judges of the Supreme Court who have volunteered to hear matters in the Legal Practitioners Disciplinary List. With a 183 per cent increase in the number of matters in that list, their assistance is even more welcome (if that were possible).

I wish also to thank and acknowledge the tireless work by a number of senior Registry and Departmental personnel. For approximately 16 months, QCAT was most fortunate to have Darren Davies as its Acting Executive Director on secondment from Courts and Tribunals. In his time at QCAT, Darren built strong relationships with Tribunal members, through his deep understanding of proper registry process and commitment to delivering excellent service to QCAT's decision makers. Darren oversaw significant improvements in registry operations, including a reorganisation of workloads for HuRD staff and a pilot project for subject matter expertise in the CAD. Darren contributed enormously to the successful budget outcome for the 2024-25 budget, through strategic data capture and an innate understanding of QCAT's operational needs. Darren did all this with a sense of good humour and fun. Darren earned the complete confidence and enduring respect of the Deputy President and myself and we both wish to acknowledge publicly his contribution to making QCAT a better place for its staff and the litigants of Queensland.

In May 2024, QCAT welcomed Tracey De Simone to the role of Assistant Director-General of QCAT (a role formerly known as the Executive Director/Principal Registrar). We are pleased to have Tracey with us as QCAT embarks on its next stage of organisational reform, which I am confident will bring about improvements across all aspects of its work.

We also wish to thank both Jasmina Joldić and Brigita Cunnington for their support of QCAT throughout the entirety of 2023-24 and on being appointed to the roles of Director-General on 8 December 2023 and Deputy Director-General of DJAG on 1 March 2024 respectively. As part of the relatively recent restructure of DJAG, QCAT was brought within the Courts and Tribunals division. This is a welcome reform and we are grateful for the work of Ms Joldic and Ms Cunnington in working to bring QCAT squarely within "the fold" of the Courts and Tribunals division. We thank the Attorney-General, the Honourable Yvette D'Ath for her contribution and wish her well in the next chapter of her life.

I cannot let this opportunity pass without mentioning the amazing Julie Steele PSM, Assistant Director-General, Supreme and District Court, who has announced that she will be retiring later this year. To say that Julie is a legend within courts administration is a very significant understatement. I am personally grateful for the friendship, wisdom and guidance she has shared with me in my role as President of QCAT and I wish her all the very best. She will be sorely missed.

Finally, on the topic of gratitude, I am very fortunate to have her Honour Judge Dann as my Deputy President at QCAT. This is not something I reflect on only when preparing the President's Message, but rather something that crosses my mind several times per week. During her time here at QCAT, Dann DCJ has contributed enormously and I look forward to the balance of our time together in these roles.

Council of Australasian Tribunals (COAT)

I have continued to enjoy my role on the council of COAT. This is the body through which Australasian tribunals come together to examine and compare ideas, working methods, organisation and management, member trainings and support programs.

This year, I had the privilege of Chairing the COAT Annual Conference, which was held in Brisbane in June 2024. Taking advantage of the fact that there would be many of our Tribunal peers from across Australia and New Zealand in attendance at the conference, QCAT organised and facilitated subject matter meetings ancillary to the conference. They were organised by our experts in particular areas including guardianship, general administrative review, occupational

regulation and building. We received very positive feedback from those in attendance, many speaking of the valued opportunity to meet their counterparts and exchange ideas.

I wish to take this opportunity to personally acknowledge and thank Anne Britton, Deputy President of the NSW Civil and Administrative Tribunal (NCAT) and NCAT Division Head for Guardianship. Anne held the position of Chair of COAT for approximately eight years, on top of five years as secretary before that. She stood down this year. To say that Anne is a powerhouse is an understatement. I am very grateful for her guidance and leadership in that role and I look forward to continuing to work with Anne as QCAT continues to engage with other jurisdictions in our ongoing commitment to delivering guardianship services as best we can.

A warm welcome, of course, to Anne's successor Malcolm Schyvens, President of the Tasmanian Civil and Administrative Tribunal (TASCAT), as the new Chair. Malcolm has long been a very valuable contributor on the council of COAT and I look forward to working with Malcolm in this new role.

Towards meeting its statutory objects

I remain committed to devoting my presidency to working constructively with the government to make QCAT sustainable, so it can deliver on its statutory objects.

Hon Justice Kerri Mellifont

Queensland Civil and Administrative Tribunal

QCAT is an independent statutory tribunal established by the *Queensland Civil and Administrative Tribunal Act 2009* (QCAT Act).

The Tribunal plays an integral role in the Queensland justice system. QCAT resolves and determines disputes, reviews and referrals in a wide range of jurisdictions, including:

- civil disputes (including building disputes, tree disputes, community living disputes¹, retail shop lease disputes, disputes about the sale of motor vehicles, disputes about losses resulting from the actions of real estate and other agents and information privacy disputes)
- applications in relation to appointments of administrators and guardians (e.g., where an adult has impaired decision-making capacity)
- administrative review of government and statutory authority decisions (e.g., Queensland Building and Construction Commission, liquor licensing, blue cards, child protection, weapons licensing and racing)
- occupational regulation and discipline (e.g., referrals and reviews involving lawyers, health practitioners, police, teachers, veterinary surgeons and engineers)
- minor civil disputes (MCDs) (i.e., residential tenancy, minor debt, consumer and trader, motor vehicle property damage and dividing fence disputes)
- referrals by the Queensland Human Rights Commission (i.e., complaints of alleged unlawful discrimination, sexual harassment, vilification and victimisation).

The Tribunal also has an appeal jurisdiction.

In Brisbane, proceedings other than MCDs are heard by QCAT members at QCAT's premises at 259 Queen Street. Given QCAT's shortage of hearing rooms, sometimes hearings are conducted at the Land Court premises, and the Supreme and District Courts, through the generosity of the heads of jurisdiction of the Supreme Court, District Court, Land Court and Magistrates Court. In other areas of South-East Queensland (SEQ) and across regional and rural Queensland, QCAT members circuit to conduct hearings for proceedings other than MCDs. Regional sessional members also hear matters outside of Brisbane.

MCDs are heard in Brisbane by QCAT adjudicators, who also circuit to SEQ centres. In regional and rural areas, MCDs are heard by magistrates who are ordinary members of QCAT for MCD matters.

¹ Community title schemes disputes, manufactured homes disputes and retirement villages disputes.

Objects and organisational values

QCAT has clear legislative objects and remit. The objects of the QCAT Act include having the Tribunal deal with matters in a way that is accessible, fair, just, economical, informal and quick; and promoting and enhancing the quality and consistency of Tribunal decisions.

QCAT's [Strategic Plan 2023-25](#) sets out QCAT's four key organisational values, namely being:

- accessible
- trustworthy
- timely
- inclusive.

QCAT prides itself on the professionalism, integrity and impartiality of its staff and decision-makers and strives to provide quality of service.

Jurisdiction, powers and functions of the Tribunal

QCAT commenced on 1 December 2009, amalgamating 18 tribunals and 23 jurisdictions. Since then, its range of jurisdictions has been considerably expanded. QCAT's current legislative remit consists of:

- the QCAT Act
- the *Queensland Civil and Administrative Tribunal Regulation 2009* (QCAT Regulation)
- the *Queensland Civil and Administrative Tribunal Rules 2009* (QCAT Rules)
- more than 180 Acts, in addition to the QCAT Act, which confer jurisdiction on QCAT.

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

QCAT's **original jurisdiction** covers three broad operational areas: human rights (for example, applications to appoint guardians under the *Guardianship and Administration Act 2000*); civil disputes (e.g., disputes about retail shop leases; residential building and MCDs of \$25,000 or under); and disciplinary (e.g., applications seeking disciplinary orders against solicitors under the *Legal Profession Act 2007*).

QCAT's **review jurisdiction** is conferred by enabling Acts and provides for QCAT to review administrative decisions made by government agencies and disciplinary bodies under enabling Acts. The review is conducted by way of fresh hearing on the merits.

QCAT's **appellate jurisdiction** provides for QCAT to hear appeals against decisions made by non-judicial members in its original and review jurisdictions, as well as decisions of other entities under enabling Acts. When sitting in its appellate jurisdiction, it sits as the Appeal Tribunal, commonly referred to as QCATA.

The Tribunal

Broadly speaking, the Tribunal's function is to determine proceedings filed by parties. All Tribunal decision-makers are independent statutory appointees, appointed by Governor-in-Council on the recommendation of the Attorney-General.

Members generally sit across, and hear proceedings in, a range of jurisdictional areas. Adjudicators determine MCDs and some other matters. There is also a program, presently in abeyance, under which Justices of the Peace may sit as a panel of two (including one legally qualified JP) in MCDs where the claim is for \$5,000 or less.

As at 30 June 2024, the Tribunal comprised²:

- the President, who is a Supreme Court Judge
- the Deputy President, who is a District Court Judge
- 5 full-time Senior Members
- 10 full-time Members
- 5 part-time Members
- 2 acting Members
- 5 full-time Adjudicators
- 4 part-time Adjudicators
- 1 acting Adjudicator
- 11 Judicial Sessional Members
- 3 Land Court Sessional Members
- 85 Sessional Members (excluding judicial and Land Court)
- 45 Justices of the Peace
- All Queensland Magistrates (automatically appointed as members of QCAT to hear MCDs).

Details are contained in [Appendix 1](#).

The registry

The QCAT registry, led by the Executive Director and Principal Registrar, provides administrative support for the Tribunal.

QCAT's registry is in Brisbane.

Local Magistrates Courts act as the QCAT registry across regional and rural Queensland and in SEQ (excluding Brisbane). Outside Brisbane, Magistrates Courts registry staff accept QCAT applications and supporting documents, receive application fees and assign hearing dates.

QCAT's registry is comprised of:

- The Human Rights Division
- The Civil, Administrative and Disciplinary Division
- Client Services

² The precise numerical composition of the Tribunal varied over the reporting period. The numbers of members reflect those in the position as at 30 June 2024.

- Operations Support
- Corporate Services.

Registry workforce

QCAT's registry workforce comprises:

- 142.5 full time equivalent employees
- 5 associates to senior members.

The QCAT registry workforce is supplemented by Magistrates Court registry staff providing registry services for QCAT in SEQ and regional centres.

The QCAT registry management team details are detailed in [Appendix 1](#).

Code of conduct and QCAT culture

The QCAT registry staff are required to abide by the Queensland public service [Code of Conduct](#) that specifies behavioural and service standards.

Further to this, all who work within QCAT, whether President, Deputy President, Tribunal Members and Adjudicators or registry, are expected to seek to uphold workplace principles and behaviours that build a positive, professional and productive workplace. This approach is informed by four key principles and behaviours:

- Growth and Development
- Integrity and Respect
- Inclusion and Diversity
- Trust and Collaboration.

Diversity and inclusion

QCAT's approach is drawn from our third principle "Inclusion and Diversity" where we value diverse cultural and personal backgrounds and strengths; and recognise and observe our individual professional and workplace ethics and codes of conduct. It is also drawn from our organisational value of being inclusive. That value states we will operate with a culture of respect and inclusivity and engage with Queenslanders in a sensitive and culturally competent way. Within QCAT we value our people and the diverse perspectives and experiences that they bring.

QCAT's ongoing improvement approach aims to support the diversity and inclusion of Tribunal users. QCAT reviews business processes and practices to make reasonable adjustments where required and to enhance accessibility for Tribunal users, acknowledging their diverse perspectives and experiences.

Our approach reflects the Department of Justice and Attorney-General's (DJAG) [Inclusion, Diversity and Equity Strategy 2023-27](#), which aims for the Department to create an inclusive, diverse and equitable workplace where we belong, and diversity of thought is embraced.

QCAT also recognises that each of us play a crucial role in fostering cultural capability, and one powerful way to demonstrate this is through continuous learning and personal development.

Actively engaging in short training courses can have a profound impact on our staff's ability to show empathy and understanding and is a positive step towards promoting reconciliation and cultivating a deeper respect for Aboriginal and Torres Strait Islander peoples.

All staff are now required to complete the SBS First Nations online course which is an authentic storytelling event presented through a series of heartfelt interviews and stunning animations.

The course shares:

- the history of Aboriginal and Torres Strait Islander peoples, including spirituality, family and kinship values
- the impacts of colonisation, stereotyping and prejudice
- the trauma felt by the Stolen Generations and the intergenerational trauma still being felt today
- tools for you to move forward in the reconciliation process as an individual and as part of DJAG.

Other practical diversity and inclusion steps we have taken include:

- having staff update equity and diversity information to gain a clearer understanding of QCAT's diversity profile, noting the percentage of registry staff where:
 - 1.9 per cent identify as Aboriginal or Torres Strait Islander peoples
 - 2.5 per cent identify as culturally and linguistically diverse peoples, who speak a language other than English at home
 - 3.8 per cent identify as living with disability
- ensuring attraction, recruitment and selection processes are inclusive, accessible and target core capabilities. QCAT has a high percentage of female staff at 70 per cent
- supporting flexible working arrangements for people managing tertiary study, family commitments and other personal responsibilities – 14 per cent of staff work part-time and all staff are encouraged to make use of flexible work patterns
- providing support services to our staff and Tribunal decision makers in areas, including health and wellbeing
- being represented on the DJAG Just Pride Working Group and the Queensland Public Sector LGBTIQ+ Steering Committee to support people who identify as LGBTIQ+ and allies
- being represented on the DJAG Just Ability Working Group to support people living with a disability.

QCAT operations³

Funding

QCAT receives funding through government appropriation and through fees for service. In the reporting period, QCAT's total operating expense was \$34.317 M.

Government appropriation \$29.235 M
Revenue from fees for service \$5.077 M
Total operating expenses \$34.317 M*

**Figures accurate due to rounding.*

In the 2024-25 Budget the Queensland Government approved an additional \$73.1 M in funding over five years to improve tribunal and legal dispute resolutions services across Queensland, including:

- up to 37 full time equivalent positions (FTEs) and \$15.4 M over four years from 2024-25 and \$5.87 M ongoing from 2028-29
- \$28.8 M over four years from 2024-25 and \$8.2 M ongoing from 2028-29 and three FTEs for additional QCAT decision-maker resources
- \$4.6 M and seven FTEs over four years from 2024-25 and \$1.2 M ongoing from 2028-29 for critical mediation services in MCDs.
- \$1.5 M over four years from 2024-25 and \$0.4 M per annum ongoing from 2028-29 for increased regional hearings, video conferencing, security and recording and transcription costs, and
- \$1.5 M in capital expenditure for accommodation.

At a glance

26,384 cases finalised	75,580 calls managed	24,978 proceedings scheduled	73% user satisfaction	8,207 counter enquiries
92% clearance rate	16.79 minutes call response time	\$1,301 Average cost per matter	473 confirmed interpreter bookings	18,441 searches of QCAT records

³ s232(1)(a), (b) and (c) QCAT Act

Workload and outcomes

The reporting period saw a 1.9 per cent decrease in cases lodged from the previous year.

While there has been a small decrease in overall lodgement numbers, increases in complexity of matters and the workloads around them are continuing.

Further discussion about workload and outcomes can be found in the divisional reports for [HuRD](#), [CAD](#) and the [trends and forecast section](#).

Table 1: Overview of operations.

Service performance criteria	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24
Cases lodged	31,592	31,657	30,631	26,820	29,120	28,575
Cases finalised	30,395	30,610	28,727	28,952	27,159	26,384
1300 calls managed	83,426	86,847	83,522	83,331	75,183	75,580
Call response time (average)	6.87 minutes	7.82 minutes	9.95 minutes	30.89 minutes	17.53 minutes	16.79 minutes
Search request of QCAT records	13,764	15,206	21,241	23,333	18,229	18,441
Counter enquiries	12,929	13,141	10,189	9,253	9,554	8,207
Proceedings scheduled*	19,307**	19,929	19,400	16,334	15,184	24,978
Cost per matter (average)	\$777	\$866	\$945	\$1,033	\$1,133	\$1,301
Interpreter and translation services provided	357***	329	563	641	452	473
Complaint rate	1.10%	0.56%	0.52%	0.69%	0.75%	0.84%
User satisfaction rating	82%	82%	79%	79%	76%	73%

*Proceedings scheduled exclude MCD proceedings.

** Figure for 2018-19 was incorrectly recorded as 18,428 in the 2019-20, 2020-21 and 2021-22 annual reports.

*** Figure for 2018-19 was incorrectly recorded as 347 in the 2019-20, 2020-21 and 2021-22 annual reports.

Clearance rates

QCAT achieved a clearance rate of 92 per cent in 2023-24, which was eight per cent below the service delivery standard and one per cent lower than 2022-23.

Figure 1 displays QCAT's clearance rates from 2019 through to 2024.

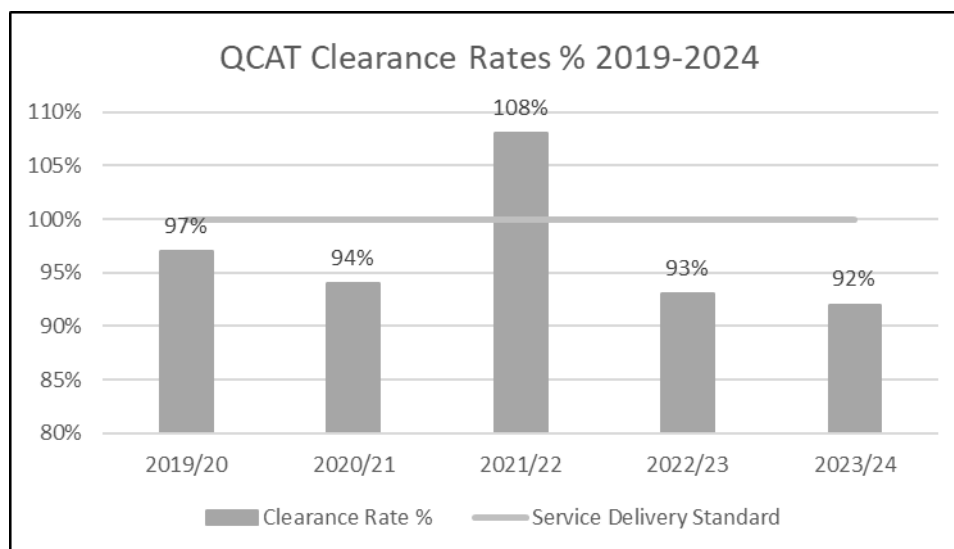


Table 2 details cases pending over the past five years.

	2019-20	2020-21	2021-22	2022-23	2023-24	% difference in 2023-24 compared to 2022-23
Cases pending	8,409	10,313	7,937	9,733	11,602	19% increase
Overall clearance rate	97%	94%	108%	93%	92%	1% decrease

Number of QCAT cases pending as at 30 June 2024 and percentage difference 2022-23 and 2023-24 financial years. Excludes MCD applications that were received by Magistrates Courts outside of SEQ.

Outcomes by jurisdiction

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

Table 3: Outcomes by jurisdiction.

	Lodgements			Clearance rates			Pending at period end		
	2022-23	2023-24	% Diff	2022-23	2023-24	% Diff	2022-23	2023-24	% Diff
Human Rights									
Children – Child Protection*	220	189	-14%	93%	132%	39%	159	98	-38%
Guardianship	12,936	12,448	-4%	91%	96%	5%	5,184	5,737	11%
Civil									
Anti-discrimination	103	115	12%	94%	80%	-15%	115	138	20%
Building	367	459	25%	92%	82%	-11%	466	547	17%
Children – Blue Card*	193	160	-17%	87%	131%	44%	317	267	-16%
Retail shop leases	58	70	21%	183%	133%	-27%	90	67	26%
Minor civil disputes**	13,122	12,786	-2%	95%	90%	-5%	1,288***	2,501	94%
Motor vehicles	288	265	-8%	78%	80%	3%	217	271	25%
Other civil disputes	93	80	-14%	91%	104%	14%	111	108	-3%
Neighbourhood disputes	238	226	-5%	107%	114%	7%	319	287	-10%
Administrative and disciplinary									
General administrative review	768	899	17%	83%	73%	-12%	847	1,093	29%
Occupational regulation	341	305	-11%	96%	85%	-11%	328	374	14%
Appeals									
Appeal Tribunal	379	419	11%	104%	82%	-21%	326	401	23%
Re-openings and renewals									
Re-openings	11	20	82%	109%	90%	-17%	7	9	29%
Renewals	3	2	-33%	100%	100%	0%	0	0	0%

*Children list split into child protection and blue card matters.

**Excludes 4,698 MCD applications that were received by QCAT and dealt with by Magistrates outside of SEQ.

***Figure incorrectly recorded as 1,247 in 2022-23 Annual Report.

One of the largest QCAT jurisdictions is MCDs, details of which are in **Table 4** below.

Table 4: MCDs broken down by Residential Tenancy & Other MCD matters.

	Lodgements			Clearance rates		
	2022-23	2023-24	% diff	2022-23	2023-24	% diff
MINOR CIVIL DISPUTES						
SEQ	13,122	12,786	-3%	95%	91%	-4%
Non SEQ	5,236	4,698	-10%	100%	105%	5%
Total	18,358	17,484	-5%			
Tenancy – urgent						
SEQ	4,337	3,923	-10%	100%	99%	-1%
Non SEQ	1,640	1,224	-25%	102%	104%	2%
<i>sub-total</i>	<i>5,977*</i>	<i>5,147</i>	<i>-14%</i>			
Tenancy – non-urgent						
SEQ	3,119	3,279	5%	93%	80%	-3%
Non SEQ	1,282	1,270	-1%	100%	100%	0%
<i>sub-total</i>	<i>4,401</i>	<i>4,549</i>	<i>3%</i>			
Other MCDs						
SEQ	5,666	5,583	-1%	93%	84%	-9%
Non SEQ	2,314	2,204	-5%	98%	109%	11%
<i>sub-total</i>	<i>7,980</i>	<i>7,787</i>	<i>-2%</i>			

*Figure incorrectly recorded as 5,997 in 2022-23 Annual Report.

Reserved decisions

A reserved decision is a decision that is not made at the hearing as it requires further consideration and is therefore given at a later date.

As at 30 June 2024, QCAT had 179 outstanding reserved decisions which is 66 more than at 30 June 2023. Of these decisions, 74 were outstanding for less than 90 days, 23 between 90 and 180 days, and 82 for more than 180 days.

Complaints

QCAT reports on complaints about registry under the [Complaints Management Policy \(Registry and QCAT Staff Mediators\)](#). QCAT had a complaint rate of 0.84 per cent for 2023-24. A total of 244 complaints were received during the reporting year. The majority of complaints received concerned QCAT's service delivery and policies and procedures. Over the past five years, the complaint rate has remained within the range of 0.5 per cent to 1.1 per cent (see **Table 1**).

Open data

The [Queensland Government's Open Data Portal](#) details the volume of 2023-24 QCAT application lodgements listed by postcode.

QCAT and the Magistrates Court of Queensland

QCAT's capacity to provide quality justice services throughout south-east, regional and remote Queensland depends on the support provided by Magistrates Courts. The registries deliver frontline services and Magistrates, in their role as QCAT members, hear and determine minor civil dispute matters in the regions.

In 2023-24, QCAT and the Magistrates Courts continued to engage through the QCAT and Magistrates Courts Collaborative Practice Network. This network works to improve QCAT's partnership with regional Magistrates Courts and to facilitate:

- a better understanding of capabilities and needs of Magistrates Courts in delivering QCAT services
- improvement of QCAT regional service delivery
- guidance to QCAT to develop a learning framework to better support Magistrates Court staff in delivering QCAT work
- consistent statewide implementation of new initiatives and operational changes.

Registry leaders for QCAT and the Magistrates Court meet approximately every six weeks through the Practice Network to focus on key needs, identify training requirements and troubleshoot issues. From time to time, QCAT conducts lunchbox training sessions for Magistrates Court registry staff, focusing on key topics which have been identified as requiring specific training.

Over the reporting period, QCAT has supported Magistrates Court registries in the introduction of the new digital case management system – QCase – for QCAT MCDs. This has involved working in partnership with the Practice Improvement and Engagement Team within Magistrates Courts Service (MCS), to identify and resolve issues in common for registry staff and external stakeholders.

A key focus is to ensure consistency in practice and approach across QCAT and MCS.

QCAT continues to communicate with regional Magistrates Courts registry personnel through Microsoft Teams, which enables our registry personnel to provide real time assistance to Magistrates Court registry personnel in the regions.

QCAT is grateful for the significant support in the SEQ region where Magistrates Courts registry officers have worked hard to continue facilitating QCAT's request for adjudicators to access rooms and facilities prior to 8.30am particularly with the rollout of QCase state-wide. There has also been collaboration with Magistrates Court personnel in Rockhampton in enhancing the premises used by QCAT in the Rockhampton Magistrates Court, for which QCAT is very grateful. The new room in Rockhampton opened in July 2024.

Whole of Tribunal issues and initiatives

Budget outcomes and implementation plan

This year QCAT received vital funding from the Queensland Government to help to seek to achieve its statutory objectives. This funding is necessary to seek to create a sustainable QCAT, including its ability to respond in a strategic way to the ever-increasing demand on it. That increasing demand is not just in respect of the number of matters that come before QCAT, but the complexity of them.

In the 2024-25 Budget the Queensland Government approved an additional \$73.1 M in funding over 5 years to improve tribunal services and legal dispute resolutions services across Queensland, including:

- up to 37 FTEs and \$15.4 M over four years from 2024-25 and \$5.8 M ongoing from 2028-29
- \$28.8 M over four years from 2024-25 and \$8.2 M ongoing from 2028-29 and three FTEs for additional QCAT decision maker resources
- \$4.6 M and seven FTEs over four years from 2024-25 and \$1.2 M ongoing from 2028-29 for critical mediation services in MCDs
- \$1.5 M over four years from 2024-25 and \$0.4 M per annum ongoing from 2028-29 for increased regional hearings, video conferencing, security and recording and transcription costs, and
- \$1.5 M in capital expenditure for accommodation.

QCAT is working closely with Reform and Support Services (RSS) within the Courts and Tribunals Division (CAT) to support recruitment activities. The placement of the new positions will be informed by and will align with a recent workforce review in MCS. This work is focused on enhancing registry structures in line with best practice, and ultimately, safeguarding and improving QCAT's ability to deliver services to the community.

Work is already underway to address the immediate and urgent needs to accommodate additional staff and members.

Guardianship stakeholder and tribunal engagement

QCAT continues to engage with relevant statutory bodies and stakeholders in the guardianship jurisdiction. Representatives of QCAT, advocacy groups, the Queensland Law Society, the Office of the Public Guardian, the Public Trustee of Queensland and the Public Advocate meet to raise and discuss important issues such as the availability of resources relating to persons with impaired decision-making capacity.

In the reporting period, there was an opportunity to engage with tribunals of other jurisdictions who were also attending the COAT Conference held in Brisbane in June 2024. QCAT initiated subject matter meetings at its premises, inviting experts from other tribunals across Australia to attend. These meetings provided an important opportunity to engage with peers from other jurisdictions and exchange ideas about guardianship and administration practise in jurisdictions.

QCAT representatives attending meetings with guardianship stakeholders and civil and administrative tribunals consisted, variously, of the President, Deputy President, the then Acting

Executive Director and Principal Registrar, guardianship jurisdiction Senior Member and Deputy Principal Registrar of HuRD.

Guardianship resources

More recently, QCAT has prepared and made publicly available information sheets in an easy read format about the role of a guardian appointed for a restrictive practice matter, 'frequently asked questions' about the guardianship jurisdiction, and for representation in a guardianship jurisdiction. These information sheets are intended to assist persons who may have an interest in a QCAT guardianship proceeding to understand the process. The publicly accessible information also contains links to relevant legislation and contact information for advocacy supports within Queensland and statutory bodies such as the Office of the Public Guardian and the Public Trustee of Queensland.

START project

In mid-July 2022, QCAT commenced a pilot project - the Strategic Administrative Review Transition (START) project - in four administrative review lists:

- dangerous animal destruction orders
- blue card negative notices
- weapons licensing
- building regulation by the Queensland Building and Construction Commission (QBCC).

Under this project, there has been a move away from a mandatory long compulsory conference model to a model that involves a long directions hearing in animal, blue cards and weapons matters, and an initial short compulsory conference in QBCC matters, early in the proceedings. The goal of these early directions hearings or compulsory conferences is to program all steps necessary for the matter to proceed to hearing, and to provide a final hearing date. Full-length compulsory conferences aimed at achieving resolution of the matter, or aspects of the matter, are now only listed where the Tribunal forms the view that there is a realistic possibility that it might resolve the matter or meaningfully narrow the issues or where the Tribunal forms the view that a compulsory conference might be a better way to help a particular applicant to better understand QCAT processes.

The project includes practice directions which go beyond the usual style of practice directions to include information to parties about the litigation process and what to expect. QCAT provides the practice direction to applicants ahead of the initial directions hearing or compulsory conference so that the applicant is aware of what to expect. This new process allows parties to make informed decisions about which path to take earlier in proceedings. This in turn allows hearings to be scheduled earlier and matters resolved earlier.

The intention of this project was to reduce the overall time to finalisation than would otherwise be expected in these matters, not having full-length compulsory conferences where it would be unlikely such a compulsory conference would result in a meaningful outcome, reducing the number of directions hearings than would occur without the project and reducing the overall expense to the parties and to the Tribunal. QCAT is starting to see these intentions realise and overall, the feedback in respect of the START project has been positive. QCAT has received

some external interest in the project expanding beyond the current four lists. QCAT will continue to explore the possible expansion of the project.

Tribunal education and training

The President of QCAT has statutory functions which include ensuring the members and adjudicators are adequately and appropriately trained to enable the Tribunal to perform its functions effectively and efficiently.

Consistent with that function, the Tribunal has an education committee.

QCAT conducts an in-house program of monthly seminars and facilitates attendance by members and adjudicators at relevant conferences, such as those offered by COAT and the Australian Institute of Administrative Law (AIAL). From time-to-time, members present papers at such conferences. In the reporting year, the Education Committee was comprised of Senior Member Aughterson, Senior Member J Browne and Member Kent. QCAT notes its gratitude to these members for their hard work in delivering an excellent education and training programme.

In June 2024, the COAT Annual Conference was held in Brisbane. The President of QCAT was the Chair of the Conference committee. QCAT was able to send a substantial number of members and adjudicators to this conference which was directed at providing practical tips to members and adjudicators. The conference covered several important areas of tribunal craft and also provided important opportunities for QCAT members and adjudicators to network with peers in other jurisdictions. Deputy President Dann was chair of a session relating to the new Commonwealth Administrative Review Tribunal and Senior Member J Browne was a speaker in the guardianship masterclass.

One of the objectives of QCAT is to use Alternative Dispute Resolution processes where such processes are likely to provide a meaningful outcome. To that end, Senior Member Fitzpatrick organised the delivery of an extremely useful two-day course by Ms Shiv Martin of the Resolution Institute, which focussed on enhancing skills by members and adjudicators in conducting compulsory conferences. QCAT thanks Senior Member Fitzpatrick, Ms Martin and her co-presenters in delivering this very valuable training initiative.

QCAT Rules Committee

The QCAT Rules Committee is established under s 223 of the QCAT Act. The functions of the Rules Committee include developing and reviewing the QCAT Rules, approving forms for use under the QCAT Act and subordinate legislation and any other function conferred on the Rules Committee under the QCAT Act or an enabling Act.

From July 2023, the Rules Committee consisted of the Honourable Justice Mellifont, Her Honour Judge Dann, Senior Member Fitzpatrick, Member Howe and Member Ford, assisted by registry legal officers Jovana Krkeljas and Maria Samios.

During the reporting period, the Rules Committee reviewed and approved the following QCAT forms:

- Form 17 – Application to review a decision – child protection and adoption matters
- Form 28 – Application to resolve a complex dispute (excluding lot entitlement disputes) – *Body Corporate and Community Management Act 1997*

- Form 29 – Application for the adjustment of a lot entitlement schedule – *Body Corporate and Community Management Act 1997*
- Form 30A – Application for a tribunal hearing – general – *Manufactured Homes (Residential Parks) Act 2003*
- Form 30B – Application for a tribunal hearing – general – *Retirement Villages Act 1999*
- Form 30C – Application for a tribunal hearing – home owners’ committee – *Manufactured Homes (Residential Parks) Act 2003*
- Form 64A – Application for referral to mediation – *Manufactured Homes (Residential Parks) Act 2003*
- Form 64B – Application for referral to mediation – *Retirement Villages Act 1999*

Legislative changes conferring further jurisdiction on QCAT

Rental law reforms

On 6 June 2024, the *Residential Tenancies and Rooming Accommodation and Other Legislation Amendment Act 2024* obtained assent with the objectives of strengthening renters’ rights, supporting private investment, providing better pathways to resolving issues in tenancies and stabilising rents in the private rental market.

The legislative changes relevant to QCAT which commenced on assent include:

- Applying an annual limit for rent increases to a rental property as opposed to the tenancy, but allowing a property owner to apply to the tribunal for an order to increase rent if the property owner would be caused undue hardship by not being permitted to raise the rent more than once within a 12-month period and
- Clarifying that the Residential Tenancies Authority (RTA) must pay out a rental bond where an application to QCAT for payment of the rental bond was withdrawn or dismissed in accordance with the original application made to the RTA. This change seeks to address previous uncertainty around how the bond should be disbursed.

In preparation for these legislative changes, QCAT reviewed and updated resources including:

- The Appendix to QCAT’s Form 2 – Application for minor civil dispute – residential tenancy dispute
- The case management system (QCase) and
- The QCAT website.

The *Residential Tenancies and Rooming Accommodation and Other Legislation Amendment Act 2024* also introduces other legislative changes relevant to QCAT which will commence by proclamation in two stages on 30 September 2024 and on 1 May 2025 respectively.

The changes proposed for commencement on 30 September 2024 include:

- **Re-letting costs** – The re-letting costs payable by a tenant where the tenant ends a fixed term tenancy or rooming accommodation agreement will be calculated based on the remaining time left on the agreement and whether the term of the agreement is greater or less than three years
- **Mode of Rent payment** – tenants must be offered at least two ways to pay rent including a way that does not incur more than usual bank costs and which is reasonably available

- **Utility bills** – a tenant must receive utility bills within four weeks of the lessor receiving the supply bill, otherwise the tenant is not required to pay
- **Maximum rental bond** – no more than four weeks rent can be requested by a lessor, regardless of the amount of weekly rent payable
- **Evidence for bond claims** – when making a bond claim or disputing a bond, a lessor must now provide the tenant with supporting evidence within 14 days of lodging the claim or dispute resolution request. This applies to all bonds lodged after 30 September 2024
- **Information sharing** – the RTA will have the ability to share information with other government agencies and departments to drive greater compliance and enforcement outcomes
- **Providing false and misleading information** – it is now an offence for anyone involved in a tenancy to provide false or misleading information to the RTA.

The changes proposed for commencement on 1 May 2025 include:

- **Disclosing benefits** – any financial benefits received by managing parties regarding rent payments must be disclosed
- **Entry notice period** – new limits apply to the frequency of entry after a notice to end the tenancy has been issued
- **Entry frequency** – new limits apply to the frequency of entry after a notice to end the tenancy has been issued
- **Protecting privacy** – new limits apply to the personal information that can be requested and collected by managing parties
- **Rental application process** – a new standardised rental application form will be created and must be used when a tenant is applying for a rental property. Prospective tenants must be provided with an option to lodge this form in ways other than using third-party platforms
- **Request for fixtures and structural changes** – introduces a revised process allowing a tenant to make written request for fixtures and structural changes which must be responded to within 28 days.

Dangerous dog applications

In April 2024, the *Agriculture and Fisheries and Other Legislation Amendment Act 2023* was assented to and introduced changes to the *Animal Management (Cats and Dogs) Act 2008* by changing the laws concerning the control and management of dogs. The objective of the amendment is to enhance community safety. The changes relevant to QCAT include the introduction of a restriction on appeals against QCAT decisions at first instance to questions of law. In the explanatory speech introducing this Bill, the Minister for Agricultural Industry Development and Fisheries and Minister for Rural Communities, the Honourable Mark Furner, noted in relation to this amendment that feedback from councils highlighted the need to ensure that dogs were dealt with quickly and humanely, and not left languishing until a decision was completed. It was also noted that by the time such decisions were appealed to QCAT, the facts of the matter had already been reviewed twice.

The explanatory notes state that the amendments are intended to ensure QCATA and local governments are not burdened by unmeritorious appeals where the factual matters have already been reviewed both through an internal review process then externally by QCAT as well as minimising the emotional uncertainty for dog owners by clarifying when a case may be appealed.

Manufactured homes (residential parks)

In June 2024, the *Manufactured Homes (Residential Parks) Amendment Act 2024* was assented to. It contained legislative changes relevant to QCAT, including:

- Creating a new external review jurisdiction for decisions made by the chief executive, including decisions to:
 - Direct a park owner to develop and implement a maintenance and capital replacement plan for a residential park or to make revisions to existing maintenance and capital replacement plans
 - Refuse to register a residential park and
 - Cancel or not cancel the registration of a residential park
- Expanding QCAT's original jurisdiction by providing:
 - a park owner may make an application to QCAT, within two years of the commencement of the amendment Act, to vary a site agreement for the purpose of substituting a new basis for increasing site rent where the option of a market rent review has been removed from the agreement by the legislative amendments and the remaining bases are insufficient to viably sustain the park
- Providing QCAT with a wider range of options when it makes an order that a site agreement be terminated. Previously, where a home owner's site agreement was terminated for a breach, they were required to remove their home from the site. This was often impractical. The legislative changes provides that where relocation of a manufactured home is unfair, the home may instead be transferred to the park owner (with the home owner's consent) in exchange for reasonable compensation.

Registry issues and initiatives

Appointment of second Deputy Principal Registrar

In the previous reporting period, QCAT commenced a trial of a second Deputy Principal Registrar (DPR), dedicated to the guardianship jurisdiction and operations support team. Within this reporting period, the critical importance of the second DPR role was recognised, and necessary resources were made available to fund this permanent registry position within the QCAT leadership structure.

The second DPR engaged in strategic planning for the ever-increasing workload in the guardianship jurisdiction and the day to day running of the operations support team. In this respect, the focus was on:

- Identifying and implementing improvements to existing registry practices and procedure.
- Identifying emerging trends in the growing guardianship jurisdiction and providing workable solutions to manage the emerging trends
- Monitoring workload and environment within the guardianship jurisdiction at QCAT and adjustments on how best to manage those matters
- Supporting managers and their teams in the face of increasing workloads
- Managing procedural reform in a responsive way to a changing environment
- Supporting QCAT's then Acting Executive Director and Principal Registrar, and now Assistant Director General and Principal Registrar, President and tribunal by providing specialised input in respect of the guardianship jurisdiction and registry operations
- Building relationships with stakeholders, including the Public Trustee of Queensland, the Public Guardian and Queensland Health
- Representing QCAT at guardianship stakeholder forums and meetings
- Exchanging ideas with counterparts in other states and territories and implementing selective improvements from that engagement.

Having this additional DPR position assists in seeking to deal with the increasing volume of work and the increasing diversity and complexity of jurisdictions within QCAT and has been critical in the delivery of QCAT's services to Queenslanders.

Major achievements 2023-24

Revised model to manage guardianship matters

The increase in guardianship matters that has resulted in increased caseloads for registry officers has negatively impacted the ability to prepare applications for hearing in an optimal time frame. Since 2020, the average time to finalise a guardianship matter has been steadily increasing from 12 weeks to 21 weeks at the end of the reporting period. The clearance rate in the guardianship jurisdiction has remained below the target of 100 per cent, with the only exception being the 2021-22 financial year which was only due to a significant reform in the oversight of accounts reporting for appointed administrators.

Representatives from the QCAT registry and QCAT membership met with other tribunals around Australia to review how each civil and administrative tribunal manages their respective guardianship jurisdictions. A new model was then developed and implemented utilising lessons learned during these reviews.

The rationale for the new model was to ensure the welfare and interests of the adult are given paramount consideration in managing applications. This has resulted in an initial risk assessment undertaken and the file is subsequently managed according to the level of risk to the adult.

The effect of the new model of managing guardianship list applications can be clearly seen with an increase in clearance rates for the 2023-24 financial year, an increase from 91 per cent in 2022-23 to 96 per cent in 2023-24.

It is hoped that the 2024-25 budget outcome will also assist to manage applications in a timely way.

In the previous year's [annual report](#), the President stated QCAT will continue to work with government to find sustainable solutions in this extremely important jurisdiction in order to assist one of Queensland's most vulnerable cohorts. Government has recognised the importance of providing additional FTEs and recruitment of permanent registry staff and permanent members has commenced. These positions will assist in the long-term sustainability of QCAT and its work.

CAD jurisdictional reform

The tribunal and registry are committed to ongoing improvement to management of the jurisdictional lists. In May 2024, after significant collaboration between the tribunal and registry, CAD commenced a jurisdictional reform pilot, which involves a new approach to the case management of files in the following lists: appeals; anti-discrimination and; tree disputes. A total of 999 files formed the pool of files in the pilot for its three-month duration.

The pilot involves the tribunal and registry working as a team dedicated to the collaborative management of files, streamlining the allocation of work and the referral of matters to the tribunal for consultation, review or further action. Registry staff involved in the reform pilot have experienced an improvement in their jurisdictional knowledge and thus case management skill set. The pilot has already seen a reduction in the time to finalisation for some matters.

The pilot has also adopted an alternative and potentially shorter pathway to the resolution of some matters. Proceedings involving a single issue or very limited issues of fact and/or law are,

in appropriate cases, dealt with through submissions of the parties and determined at an oral hearing, with the delivery of *ex tempore* reasons (at the time) within a 90-minute timeframe.

On 5 June 2024, the first three of these hearings from the appeals list were conducted at the Land Court of Queensland by President Stilgoe, in her capacity as a QCAT Judicial Member. Each matter was resolved at the time of hearing. More recently, tribunal Member Lember conducted six hearings in appeals and tree matters. Again, all matters were finalised at hearing with the delivery of *ex tempore* reasons. In total, ten matters listed via the alternative pathway were determined, saving three full days of resources (hearing rooms, tribunal members and hearing support). These savings are able to be deployed to other matters awaiting hearing.

Given the success of the pilot, its initial three-month project time has been extended and QCAT will consider its expansion to other lists, in whole or in part, as resources permit. Learnings from the pilot will drive process improvement and efficiencies in other lists and ultimately improve service delivery.

QCAT's digital transformation

QCase Queensland-wide for minor civil disputes

On 6 March 2023 QCase went live at QCAT Brisbane in the MCD jurisdiction. QCAT adjudicators in SEQ have now been using QCase for 16 months in MCD hearings, which include residential tenancy disputes, minor debt disputes, consumer and trader disputes and dividing fence disputes. During this period, extensive resources have been devoted to training and support for registry and QCAT adjudicators, particularly as the number of QCase applications increased.

Magistrates, sitting as QCAT members in the regions, have been hearing MCD matters using QCase since the system was rolled out in regional courthouses. This rollout was in three stages (stages two to four). Stage two rollout occurred on 19 February 2024, stage three on 15 April 2024 and stage four on 10 June 2024. As part of the rollout, QCAT adjudicators and registry staff hosted regional Magistrates in Brisbane for QCase training.

QCAT is engaging pro-actively with external stakeholders to ensure that Tribunal users are aware of and engaged with the changes that QCase brings to filing documents. It is hoped that, in time, the benefits of QCase will include real time access by users to documentation and decisions about their matters, an opportunity to more quickly provide material necessary to progress matters and greater participation and flexibility for remote users of the Tribunal resources and system.

QCase next steps

QCAT is working in partnership with the Courts and Tribunals Digitisation Program (CTDP) whose remit is to develop and implement solutions to ensure that QCase works effectively for all users and in advance of additional stages to digitise the HuRD and CAD case management systems. The aim is to digitise paper-based case management processes wherever possible and to decommission existing systems.

As early users of the system, registry and QCAT adjudicators have, with patience and persistence, contributed invaluable feedback, including in relation to improvements needed to ensure a viable case management system. This valuable input will be to the benefit of QCAT as the digitisation program is expanded.

A project board has been established by CTDP for this next stage and QCAT is represented on that board.

QCAT has allocated experienced, operational registry staff to assist the project as 'super users' and employed a business analyst for mapping of current and future state processes in preparation for digitisation. The project team also consults with other QCAT representatives. A network of operational 'subject matter expert' staff have been identified throughout the registry to assist CTDP in pre-empting and resolving issues and for testing assumptions and developments.

The expected outcomes of this stage of the project will be:

- Reduced risk of the continued use of out-of-support legacy systems that currently support critical business processes
- Reduced reliance on manual processes and paper forms and files

- Cost savings through the reduction in printing, postage and file archiving
- Improved efficiencies in case management processes
- Capability for online lodgement of all QCAT matters.

Acts and Regulations

QCAT Act

The QCAT Act was amended in the 2023-24 reporting year by the *Justice and Other Legislation Amendment Act 2023* to:

- Create a consistent process for the creation of acting appointment for senior members, members and adjudicators under Part 3, Division 3 of the QCAT Act by empowering:
 - the Minister to appoint a person to act as a senior member. Previously the Minister could only appoint a person to act as an ordinary member or adjudicator, and only the QCAT President had power to make acting appointments for senior members from a pool of people approved by the Minister
 - the Minister to establish two pools of persons from which the QCAT President can appoint a person to act as an ordinary member or an adjudicator. Previously only the Minister was empowered to appoint a person to act as an ordinary member or adjudicator
- Expand the category of supplementary members that may be appointed to QCAT to include Land Court members as agreed to between the President of QCAT and the President of the Land Court. Previously only a Supreme Court, District Court or Magistrates Court judge could be appointed as a supplementary member at QCAT
- Extend the definition of judicial member in Schedule 3 (Dictionary) to include a judge or member of the Land Court, enabling Land Court members to perform functions under the QCAT Act as agreed to between the President of QCAT and President of the Land Court. The expanded definition also enables Land Court members to sit on QCAT proceedings which would otherwise be limited to being heard by a judicial member including, for example, applications under section 328 *Legal Profession Act 2007* to set aside cost agreements and appeals of tribunal decisions constituted by a magistrate under section 166 *Queensland Civil and Administrative Tribunal Act 2009*
- Empower the QCAT Deputy President to administer oaths of office to senior members, ordinary members and adjudicators and
- Empower the President to appoint a person as an associate to a senior member on the recommendation of that member. The associate is appointed under the QCAT Act on the terms and conditions decided by the Governor in Council.

QCAT Regulation amendments

The QCAT Regulation was amended during the reporting period as follows:

- The *Queensland Civil and Administrative Tribunal Amendment Regulation 2023* amended Schedule 2, Part 1 of the QCAT Regulation to exempt applications to review decisions made under the *Voluntary Assisted Dying Act 2021* from QCAT fees
- The *Justice Legislation (Allowances and Other Matters) Amendment Regulation 2024* increased the allowances for witnesses (professional and non-professional) and other persons prescribed in the QCAT Regulation in accordance with the government indexation rate for the 2024-25 financial year.

Enabling acts and regulations

The enabling Acts and Regulations affecting QCAT that were assented to in the 2023-24 period were:

- *Agriculture and Fisheries and Other Legislation Amendment Act 2023* – The relevant legislative amendments related to dangerous dog applications as detailed on page 23
- *Building Industry Fairness (Security of Payment) and Other Legislation Amendment Act 2024* – This introduced amendments to section 130 of the *Architects Act 2002*, which provides guidance relating to the orders QCAT can make if it decides that a disciplinary ground is established. QCAT may now make orders requiring the architect to pay compensation to the Board for all, or a part of, the reasonable costs of any investigation related to the proceeding, including the costs of preparing for the proceeding. However, this will not limit the tribunal’s general cost powers under the QCAT Act, chapter 2, part 6, division 6
- *Child Protection (Offender Reporting and Offender Prohibition Order) and other Legislation Amendment Act 2023* – This introduced new transitional section 11.50 (*Right to review by tribunal*) in the *Police Service Administration Act 1990 (PSAA)*, which applies if, on or after 15 June 2022, a subject officer was given a QCAT information notice for a disciplinary decision relating to an affected referral unless the officer applied to QCAT for a review of the decision and QCAT made a decision on the application concluding the review. In the circumstances, the Commissioner is required to issue an officer with a new QCAT information notice for a disciplinary decision, thereby preserving the officer’s right to seek a review during a timeframe when the law was unclear
- *Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Act 2024* – This repeals the *Prostitution Act 1999* and the *Prostitution Regulation 2014* resulting in the revocation of QCAT’s previous review function in relation to decisions regarding development approvals for brothels under the *Planning Act 2016*. It also amends the *Anti-Discrimination Act 1991* by:
 - Repealing section 106C which previously provided it was not lawful for an accommodation provider to discriminate against another person if they reasonably believed that person was using the accommodation in connection with sex work, including by refusing to supply the accommodation or evicting the person
 - Omitting and replacing the attribute of “lawful sexual activity” in section 7 and Schedule 1 (Dictionary) with “sex work activity”
- *Gas Supply (Hydrogen Industry Development) and Other Legislation Amendment Act 2023* – This amends the *Gas Supply Act 2003* and *Petroleum and Gas (Production and Safety) Act 2004* to extend the definitions for existing petroleum and gas pipeline provisions to include hydrogen and other renewable gases. QCAT has external review jurisdiction for certain licensing decisions under these Acts. The amendments may increase the number of distribution authority holders and thereby result in an increase of review matters coming before QCAT.
- *Health Practitioner Regulation National Law (Surgeons) Amendment Act 2023* – The amendment Act amends section 196 of the *National Law* in regards to decisions by a responsible tribunal about registered health practitioners. To date, tribunals have reached divergent interpretations of this provision. Tribunals in some jurisdictions have taken the position that the decisions in section 196(4) are mutually exclusive, so that a decision to disqualify a person from applying for registration for a specified period precludes a decision to prohibit the person from providing health services or using a title. Other

tribunals have taken the opposite position and have made orders that simultaneously disqualify and prohibit a practitioner. These amendments seek to remove ambiguity by clarifying that the decisions in subsection (4) are not mutually exclusive

- *Information Privacy and Other Legislation Amendment Act 2023* – The amendment Act:
 - amends section 161 (Application to QCAT for review of decision to give compliance notice) and section 162 (Parties to a proceeding) so that it applies to a relevant entity rather than being limited to an agency
 - amends section 163 (How QCAT may dispose of review) to make it clear that the decision subject to the review is a decision to give a relevant entity a compliance notice
 - introduces a new section 175A (Complainant’s request for referral to QCAT) to the *Information Privacy Act 2009* to provide that within 20 business days after the date of the notice given under section 175, the complainant may, by written notice, ask the Information Commissioner to refer the privacy complaint to QCAT
 - amends section 176 (Referral to QCAT) to require the Commissioner to refer the privacy complaint to QCAT within 20 days after receiving the written notice under section 175A
 - amends section 178 (How QCAT may dispose of complaint) to amend the orders that QCAT may make after the hearing of a privacy complaint
- *Justice and Other Legislation Amendment Act 2023* – Legislative amendments made to the QCAT Act to introduce a consistent framework for making acting appointments for senior members, members and adjudicators as detailed above.
- *Local Government (Councillor Conduct) and Other Legislation Amendment Act 2023* – The amendment Act clarifies that the parties to a QCAT review are the subject councillor and the Independent Assessor, and that the Councillor Conduct Tribunal is not a party. Further, the Independent Assessor is required to help QCAT in a review proceeding. The legislative amendments also introduce an administrative process for the Independent Assessor to declare a person a ‘vexations complainant’ with external review rights to QCAT
- *Manufactured Homes (Residential Parks) Amendment Act 2024* – Relevant legislative amendments are detailed on page 24
- *Pharmacy Business Ownership Act 2023* – The amendment Act establishes the new Queensland Pharmacy Business Ownership Council and a licencing framework for the ownership of pharmacy businesses in Queensland with external review rights to QCAT about decisions made by the Queensland Pharmacy Business Ownership Council
- *Residential Tenancies and Rooming Accommodation and Other Legislation Amendment Act 2024* – The relevant legislative amendments made are detailed on page 22
- *Resources Safety and Health Legislation Amendment Act 2024* – amendments to *Explosives Act 1999* – The amendment Act broadens the existing direction power to enable an inspector to issue a direction where they reasonably suspect a person is involved in an activity that is likely to result in a contravention of the *Explosives Act*. The *Explosives Act* already provides for the right of internal review and the ability to apply for a stay or seek external review. The broadening of the direction power expands QCAT’s existing jurisdiction which may result in more stay and external review matters coming before QCAT
- *Tow Truck Act 2023* – The Act introduces a new structure and terminology for regulating the tow truck industry to improve consistency across accreditations administered by the Department of Transport. The Act provides that the chief executive may refuse an application to grant or renew an accreditation for persons who conduct a tow truck business or are involved in operating tow trucks in regulated areas. A decision to refuse

an application or amend an accreditation is subject to internal and external review, thereby broadening QCAT's existing review jurisdiction

- *Tobacco and Other Smoking Products Amendment Act 2023* – The amendment Act introduces a licencing framework for the retail and wholesale supply of smoking products. A person who is adversely affected by a licencing decision of the chief executive may first seek an internal review of the decision. If not satisfied with the outcome of the internal review, they may seek external review by QCAT. Further, if an application is made for an internal review of an original decision, applicants may apply to QCAT for a stay of the decision
- *Transport Infrastructure (Public Marine Facilities) Regulation 2023*
The regulation provides that the chief executive may refuse an application to grant a boat harbour approval or approve the application on conditions. The decision to refuse an application, or to approve on conditions, is subject to internal review by the chief executive. A person who is dissatisfied with the outcome of the internal review, may apply to QCAT for external review of the decision
- *Transport and Other Legislation Amendment Act 2024* – The amendment Act expands the current direction to comply provision in the *Transport Operations (Passenger Transport) Act 1994*, to apply to all duty holders of road-based public passenger services. The amendment enables a direction to be issued to a duty holder of a road-based public passenger service when the chief executive or authorised person is satisfied that a duty holder has not complied with relevant transport legislation. This is a reviewable decision and expands QCAT's existing review jurisdiction.

2023-24 practice directions

There were four practice directions issued in the reporting period:

- QCAT Practice Direction No. 2 of 2023 – Applications for review of decisions made about animals
- QCAT Practice Direction No. 3 of 2023 – Designation of QCAT Registry Closure – 22 December 23 – 2 January 2024
- QCAT Practice Direction No. 4 of 2023 – Applications for residential tenancy disputes
- QCAT Practice Direction No. 5 of 2023 – Pronunciation of names and preferred forms of address
- Updated QCAT Practice Direction 5 of 2022 – Applications for review of decisions made about blue cards
- Updated QCAT Practice Direction 7 of 2022 – Applications for review of decisions made about weapons
- Updated QCAT Practice Direction 7 of 2013 – Arrangements for applications for orders to resolve other issues about trees.

Human rights division

In the Human Rights Division, the Tribunal exercises functions relating to guardianship and administration and child protection.

Guardianship and administration

The guardianship jurisdiction continues to be one of QCAT's largest jurisdictions. The guardianship list considers applications primarily brought under the *Guardianship and Administration Act 2000*. Applications can also be brought under the *Powers of Attorney Act 1998*. The work undertaken by the Tribunal in guardianship includes:

- making decisions about the capacity of an adult
- appointing guardians and administrators and reviewing their appointment
- approving the use of restrictive practices under Chapter 5B, that is, for a particular cohort of adults, in certain settings – such as approving the use of containment, seclusion or other restrictive practices
- making declarations, orders, recommendations and giving directions and advice to guardians and administrators
- approving decisions or proposed decisions by informal decision-makers
- consenting to special health care
- assessing the actions of appointed administrators by examining annual accounts of administration
- making declarations about enduring powers of attorney.

The Tribunal may also make a “limitation order” in a guardianship matter, but only to the extent necessary to avoid serious harm or injustice to a person. The types of limitation orders that can be made include adult evidence orders, closure orders, pre-hearing non-publication and confidentiality orders. Pre-hearing non-publication and confidentiality orders are vacated at commencement of the hearing of the substantive application, at which time the parties and any person with standing can be heard in respect of any further limitation order/s sought.

A copy of limitation orders made at a hearing, along with all information considered by the Tribunal, and with reasons for the decision, are provided to the Public Advocate.

The work of the Tribunal in the guardianship and administration jurisdiction is fundamental to upholding the rights and dignity of vulnerable adults in our community. When the Tribunal's work can be undertaken in a timely manner, QCAT plays a critical role in maintaining and safeguarding a protective mechanism for adults with impaired capacity, who may be subject to elder abuse and/or domestic and family violence.

There are two main streams of lodgements within the guardianship jurisdiction: new applications, which are initiated by parties; and reviews of appointments, which are commenced by the Tribunal at a time specified in the current order. In respect of the total number of those two types of lodgements, there was a four per cent decrease overall. However, in disaggregating the data, it is apparent that there was a two per cent increase in new applications over the reporting period. Since the commencement of QCAT, the level of demand for its services in the guardianship and administration jurisdiction has vastly increased resulting in decreased capacity of the QCAT registry to prepare matters for a hearing. Resource pressures experienced by the QCAT registry has resulted in priority given to new applications over commencing reviews where an appointment is already in place. This has resulted in a reduction in the number of review

matters being commenced which is the primary factor in lodgements decreasing. Some of the funding from the 2024-25 budget outcome will be directed to increasing the capacity to commence and ultimately finalise reviews.

Table 5: Number of lodgements 2022-23 and 2023-24

Application type	2022-23	2023-24
Lodgement – Guardianship	12,936*	12,448
Lodgement – Administrator compliance	1,775	1,577

*Reporting anomalies in last year’s report have resulted in different figures for the 2022-23 period.

The QCAT registry has experienced an exponential increase in workload, largely due to the increase in the complexity of applications, and the number of those complex applications. It is expected that QCAT’s guardianship jurisdiction will continue to significantly increase, both in quantum and complexity.

Factors that contribute to the increase in size, volume and complexity of the guardianship list include:

- an ageing population
- increased awareness by social workers and members of our community of family violence such as coercive control by a family member over a person’s finances or ability to make personal choices freely in circumstances where the relevant person may have impaired decision-making capacity for their financial or personal matters
- financial exploitation or physical abuse of vulnerable Queenslanders, particularly elderly members of our community who may have impaired decision-making capacity for their financial and personal matters and are therefore at risk of harm or neglect
- increased diagnosis and treatment of mental health.

A further factor is an increase in applications for the appointment of a guardian due to legislative changes in the aged care sector with respect to the use of restrictive practices under the *Quality of Care Principles 2014* (Cth). A restrictive practice in relation to a recipient of aged care is any practice or intervention that has the effect of restricting the rights or freedom of movement of the care recipient. The *Quality of Care Principles 2014* (Cth) applies to a recipient of aged care and requires informed consent to the use of restrictive practices by the care recipient or the substitute decision-maker if the care recipient lacks capacity to give that consent. As discussed above, QCAT can appoint a substituted decision-maker such as a guardian for a person with impaired decision-making capacity.

Registry’s role and initiative in HuRD

The role of the QCAT registry in guardianship is unique because unlike other jurisdictions, the process is not ‘party driven’ but is truly an inquisitorial jurisdiction. This requires the registry to be proactive in its case management of matters. For example, QCAT seeks to ensure it has all of the relevant information and material it may require and where possible, assists the adult, the person to whom the matter relates, to participate in proceedings in a way that suits their individual needs.

Once an application is made, the adult, who is the subject of the application, is the primary focus. Section 130 of the *Guardianship and Administration Act 2000* places the onus on QCAT to ensure it has all relevant information and material (with limited statutory exceptions to this requirement, as set out in section 131, that is “urgent or special circumstances”).

QCAT seeks to meet these statutory obligations by ensuring the adult’s views, wishes and preferences, along with the views of those in a supportive relationship with the adult are considered. In practice, this means the QCAT registry needs to assist in discharging this inquisitorial function by identifying shortfalls in information provided by parties, exercising judgement in identifying key issues to further explore, and ensuring there is sufficient information available for the Tribunal to make an informed decision. The wholly inadequate resourcing of QCAT in this and previous years had made meeting this objective in a timely way impossible.

In 2010, QCAT set a 12-week benchmark for matters to proceed to final hearing. Due to insufficient resourcing that goal has been unachievable since January 2020. The average time to final hearing has been on a steady upward increase since that time. During the reporting period, open applications awaiting a final hearing have increased by 12 per cent and the average time to finalise a matter has increased from 16 to 21 weeks during the reporting period, while some matters take considerably longer. Increases in time-to-finalise matters can have an exponential effect on the cost and use of QCAT’s resources required to progress to a final hearing. This is because increases in time to finalisation can lead to interlocutory applications which would otherwise be unnecessary and which consume substantial resources, and to registry time otherwise being consumed by dealing with communications from persons making enquiries about matters which are awaiting listing for final hearing.

Reporting obligations

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

- the number of applications, approvals and orders made under chapter 5B of the Act during the year. The purpose of Chapter 5B is to provide a framework for the approval of practices used to respond to the behaviour of an adult with an intellectual or cognitive disability that causes harm to the adult or others for those adults that receive disability services from a relevant service provider
- the number and type of limitation orders made by the Tribunal.

Tables 6, 7 and 8, which are set out below, provide the information for those reports.

Table 6: Applications and review of guardianship for restrictive practice matters.

	Application for guardianship for restrictive practice matters		Review of guardianship for restrictive practice matters	
	2022-23	2023-24	2022-23	2023-24
Order made	171	177	308	295
Dismissed / revoked	113	64	97	86
Deceased	7	2	0	5
Withdrawn at hearing	33	41	3	2
Rejected	5	1	0	0
Total	329	285	408	388

Prior to 2015, only one-year appointments were permitted. In 2015, that changed and two-year appointments were permitted. As such, the number of reviews varies significantly each year, due to the post-2015 appointments being on a two-year review cycle.

Table 7: Containment, seclusion and other restrictive practices approvals.

	Approved		Dismissed/ Revoked		Withdrawn/ Administrative Closure/Rejected		Total	
	2022-23	2023-24	2022-23	2023-24	2022-23	2023-24	2022-23	2023-24
Containment	9	13	3	2	15	4	27	19
Review of containment	38	37	2	5	3	0	43	42
Seclusion	6	10	2	1	8	2	16	13
Review of seclusion	27	29	0	4	7	0	34	33
Application for another restrictive practice	14	10	2	2	14	2	30	14
Review of application for another restrictive practice	42	45	1	6	4	1	47	52

Table 8: Limitation orders.

Limitation order type	2022-23	2023-24
Adult evidence order (s.106)	14	3
Closure order (s.107)	17	2
At Hearing Non-publication order (s.108)	6	1
Pre-Hearing Non-Publication Order (s.110)	19	4
At Hearing Confidentiality order (s.109)	42	20
Pre-Hearing Confidentiality order (s.110)	36	59

QCAT hospital hearing program

QCAT conducts some hearings for guardianship and administration matters in public hospitals where the adult is a patient (“the hospital hearings program”). This permanent program is conducted in hospitals administered by the Metro North Hospital and Health Service (MNHHS) and the West Moreton Hospital and Health Service (WMHHS). Further funding has incorporated additional hearings in hospital and health services across Queensland. The hospital hearings program has been able to operate because of the provision of specifically dedicated resources by government.

The hearings are for adults who are clinically well and are ready for discharge, but due to possible impaired capacity may not be able to be safely discharged pending a determination of the applications before the tribunal. To enable the adult to participate as fully as possible in the hearing, QCAT holds hearings via remote conferencing. QCAT utilises a variety of remote conference technology to support the program, with most hearings conducted via MS Teams.

Suitable applications heard and determined under this program are usually finalised between four and seven weeks, compared to 21 weeks in the general guardianship list.

Not all applications are appropriate to be dealt with by way of this program. Matters for hospital patients involving high levels of conflict between members of the ‘support network’⁴ and other issues of complexity (e.g., unclear capacity diagnosis, complex financial arrangements, issues with an Enduring Power of Attorney document) are currently excluded for the program. This is to ensure that appropriate information is gathered prior to the hearing, and then enough time is allocated to the hearing for the tribunal member to consider all of the issues. Applications that are currently excluded for the program are managed within the general guardianship list.

⁴ Support network is a term defined in the Guardianship and Administration Act as consisting of the following people—

- (a) members of the adult’s family;
- (b) close friends of the adult;
- (c) other people the tribunal decides provide support to the adult.

In the 2023-24 reporting period, hearing time in the hospital hearing program has remained at between four to seven weeks. The average time for the MNNHS program was 32 days. The average time for the statewide program was 48 days.

QCAT and Queensland Health continue to review the effectiveness of the initiative. It is clear that this program provides very significant benefits: the specifically dedicated resourcing enables decisions to be made in a timely way. Since inception in July 2016, 3,619 hearings have been conducted within the program. The ancillary benefits of hospital beds not being occupied by those who would be more appropriately accommodated elsewhere are obvious, at a human level, as well as fiscally.

Child protection

In its review jurisdiction, the Tribunal reviews particular child protection decisions about children and young people who are in the care of the Department of Child Safety, Seniors and Disability Services. These include decisions relating to who they should live with, the type and amount of contact they have with parents and/or their family, and whether the department advises the parents of where the child is living.

In this jurisdiction, the main principle is that the safety, wellbeing, and best interests of a child or young person, both through childhood and for the rest of the child's life, are paramount. Consistent with this principle, the Tribunal seeks to ensure that all relevant material is available for the review and all appropriate parties are joined in the proceedings.

Children and young people have the right to express their views to the Tribunal about matters relevant to the review and the Tribunal takes steps to ensure they can voice their concerns and to be appropriately represented. Usually, children and young people are given the opportunity to express their voice to the Tribunal in a confidential, age-appropriate way, in a private space away from the other parties. Making provisions for children and young people to speak to the Tribunal in this way assists the Tribunal to obtain a better understanding of how the decisions affect those children and young people.

In 2023-24, 189 child protection applications were lodged in QCAT. This is a slight decrease from the 220 received in 2022-23.

This jurisdiction is one where the success rate of compulsory conferences is relatively high. Soon after an application is received, the Tribunal often convenes a compulsory conference with the parties which aims to:

- identify and clarify the issues in dispute
- find a solution to the dispute without proceeding to a hearing
- identify questions to be decided by the Tribunal
- make orders and give directions to resolve the dispute.

In the reporting year, 85 applications progressed to a compulsory conference. Of these, 55 applications were resolved, 18 were partially resolved (that is, some of the issues which were in dispute were resolved at the compulsory conference, leaving only the residual issues in dispute to be resolved at hearing) and 12 were not resolved or partially resolved.

Sometimes matters which were only partially resolved at compulsory conference, or not resolved at all, do not end up proceeding to hearing. This is because sometimes applications are

withdrawn, or the parties are able to come to an agreement after the compulsory conference but before the hearing.

Suspended applications pending other proceedings

Often, applications are filed with QCAT while there are matters still active before other judicial forums, such as the Childrens Court. When this occurs, the child protection review proceedings before QCAT must be suspended pending finalisation of the matters in the other forum.⁵ This is a legislative requirement intended to ensure that issues relevant to more than one proceeding are not dealt with by two separate jurisdictions simultaneously.

⁵ Section 99M *Child Protection Act 1999*; See -- page 5 - <https://www.legislation.qld.gov.au/view/pdf/bill.first.exp/bill-2015-249> for explanation of the rationale underpinning section 99M

Civil, administrative and disciplinary division

QCAT conducts the work of its Civil, Administrative and Disciplinary Division in the following lists:

- Building disputes
 - domestic building disputes (no monetary limit)
 - commercial building disputes (no monetary limit, subject to a requirement for consent of the parties where the claim or the counter claim exceeds \$50,000)
- Neighbourhood disputes
 - tree disputes
- Motor Vehicle disputes
 - disputes relating to the purchase of motor vehicles (up to \$100,000)
- Anti-discrimination
 - complaints of alleged unlawful discrimination, vilification, sexual harassment, related breaches of the *Human Rights Act 2019*; and
 - applications for exemption from the operation of the *Anti-Discrimination Act 1991*
- Community living disputes
 - community titles schemes
 - retirement villages
 - manufactured homes in residential parks
- Retail shop lease disputes
 - Retail tenancy disputes (up to \$750,000)
- Other civil matters
 - information privacy complaints
 - monetary claims involving licensed agents
 - disputes about legal costs
- Appeals
 - From tribunal decisions
 - From decisions of decision makers under *the Body Corporate and Community Management Act 1997*; *Right to Information Act 2009* and *Information Privacy Act 2009*
- Childrens' matters
 - Reviews decisions relating to blue cards
- Occupational regulation and disciplinary matters
- General Administrative Review
 - review of a large variety of administrative decisions made by government decision-makers including
 - QBCC
 - weapons licensing
 - animal management
 - revenue
 - liquor and gaming
 - victims assist
 - yellow cards
 - transport licensing
- Decisions relating to the *Voluntary Assisted Dying Act 2021*.

A number of lists have seen increases in lodgements in 2023-24, some of them significant:

- anti-discrimination referrals up by 12 per cent
- building disputes up by 25 per cent
- retail shop lease disputes up by 21 per cent
- appeals up by 11 per cent
- general administrative reviews up by 17 per cent.

There were particularly significant increases in lodgements in the following general administrative review lists:

- QBCC (20 per cent),
- animal management (42 per cent), and
- weapons (17 per cent).

The increases in lodgements in the QBCC list and the weapons list are of particular significance as these are the largest review lists by volume of matters.

Appeal lodgements increased from the previous year. Appeals from decisions in the MCD jurisdiction increased by six per cent. There was a 14 per cent increase in appeals in all other jurisdictions. The latter increase is significant noting that these appeals are, generally, of greater complexity than appeals from decisions in the MCD jurisdiction.

In the occupational regulation jurisdiction, several lists have seen increased lodgements: the health list referrals and reviews increased by 14 per cent; legal list referrals by a very significant 183 per cent; and teacher related matters by 19 per cent.

While it is not possible to pinpoint a single cause for the increase in lodgements in the various lists, one cause is that legislative changes have expanded the range of matters now falling under the general administrative review jurisdiction.

Clearance rates have improved in a number of lists from the 2022-23 year: blue card reviews by 44 per cent; neighbourhood disputes by seven per cent; other civil disputes by 14 per cent; motor vehicle disputes by three per cent; weapons reviews by 11 per cent; and health list matters by 23 per cent.

However, in a number of lists clearance rates have decreased, some significantly. Within the general administrative review jurisdiction, the clearance rate in QBCC reviews has decreased by 16 per cent. This is significant, noting the high volume of QBCC review proceedings and the Tribunal resources required to actively case management these matters.

Clearance rates in appeals relating to matters other than minor civil disputes have decreased by 22 per cent. These appeals can be of significant complexity and are heavily Tribunal resource intensive. Other lists that have seen decreases in clearance rates are:

- anti-discrimination matters by 15 per cent
- building disputes by 11 per cent
- retail tenancy disputes by 27 per cent
- general administrative review matters by 12 per cent
- occupational regulation matters by 11 per cent
- appeals by 21 per cent
- legal profession matters by 24 per cent.

It is relevant to note that the above lists have also seen increased lodgements. These increases have a significant compounding effect on the ability of QCAT to achieve its statutory objectives.

The result is an increase in files under management, increased workloads for registry staff and Tribunal members, decrease in clearance rates and longer times to finalising matters.

In 2023-24, 8,664 interlocutory applications were lodged in the CAD division. Interlocutory applications result in increased workloads for registry staff and Tribunal members and contribute to delays, sometimes significantly, in the finalisation of proceedings. There is a correlation between file duration and increased numbers of interlocutory applications. Several lists have seen significant increases in lodgements of interlocutory applications: anti-discrimination matters by nine per cent; building disputes by ten per cent; motor vehicle claims by 27 per cent; and other civil disputes by 25 per cent. The reason for these increases is multi-factorial: increases in matter duration; increasing complexity of matters coming before the Tribunal; and the large number of self-represented litigants are all relevant factors.

The Tribunal is heavily reliant on its sessional members in discharging its functions. For the reporting year, QCAT's sessional member budget was insufficient to meet the increased workload of the Tribunal, especially given the small number of permanent members and adjudicators. The Tribunal is further limited by the number of hearing rooms available. In addition to the Brisbane location at 259 Queen Street, the Tribunal sits in Magistrates Courts across the state, for which it is very grateful, however not all matters can be suitably accommodated at these venues, and the hearing room availability is dependent upon the workload of the relevant Court.

Minor Civil Disputes

In the reporting year, over 17,484 civil claims were filed in the MCD jurisdiction in registries throughout Queensland. They comprised both monetary disputes (up to \$25,000) and non-monetary disputes. There were more claims filed in the MCD jurisdiction than in any other QCAT jurisdiction.

MCD disputes can have serious consequences for the welfare, dignity and daily living arrangements of the people concerned.

MCDs include:

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

Most MCDs in SEQ⁶ are decided by QCAT adjudicators. Some are heard by sessional or part/full time members. This is usually when there is a shortage of adjudicators. In regional areas, MCDs are heard by Magistrates sitting as QCAT members. In 2023-2024, of the 16,154 MCD hearings that took place in Queensland, 11,521 were conducted by QCAT adjudicators and members and 4,653 by Magistrates sitting as QCAT members.

In SEQ the MCD jurisdiction saw a three per cent lodgement decrease. In the non-SEQ regions lodgements decreased by ten per cent. Overall, there was a 13 per cent decrease across Queensland.

⁶ SEQ comprises the following areas: Beaudesert, Beenleigh, Brisbane, Caboolture, Cleveland, Coolangatta, Holland Park, Ipswich, Pine Rivers, Redcliffe, Richlands, Sandgate, Southport, Wynnum.

Throughout the reporting period, the wait times from lodgement to hearing or mediation were over target timeframes and have increased for some matter types significantly since 2022-2023. Over the reporting period in SEQ, the average weeks were:

- to hearing urgent Tenancy = six weeks (three week target)
- to hearing non-urgent tenancy = 25 weeks (five week target)
- to hearing other matters = 14 weeks (five week target)
- to mediation = 29 weeks (five week target).

Section 75 of the *Queensland Civil and Administrative Tribunal Act 2009* provides that a matter may be referred to a proceeding for mediation. Most QCAT MCD mediations are conducted by external mediators from DJAG's Dispute Resolution Branch. If the dispute cannot be resolved, mediation helps to identify issues and questions to be considered at the hearing.

As noted in the 2022-2023 report, on 6 March 2023 QCAT launched a new digital online case management system, QCase, whilst maintaining its legacy case management system, CLAIMS, for older MCD matters. QCAT adjudicators and registry staff continue to carry a significant additional load in working with both the old paper-based system and the new digital system. Despite this, clearance rates in MCDs still reached 91 per cent over the period, a noteworthy achievement given the challenges of the adoption and expansion of new technology. Time to hearing MCDs has increased. Factors which contribute to the rate at which QCAT is able to finalise MCD matters include a shortage of adjudicators to hear matters and difficulties recruiting suitable candidates to that judicial role (likely due to the comparatively low remuneration), a shortage of hearing rooms required for the matters to be listed, and a shortage of registry staff to prepare matters for hearing.

Anti-discrimination

The Tribunal hears complaints made under the *Anti-Discrimination Act 1991* (Qld) following referral from the Queensland Human Rights Commission. Principally, claims relate to alleged unlawful discrimination, sexual harassment, vilification and victimisation.

Matters are often complex and involve numerous interlocutory applications requiring decisions and written reasons. Interlocutory applications include applications to expand complaints beyond those referred to the Tribunal, claims for extension of time to make complaints, jurisdictional issues as to the reach of the Act, whether a matter should be a representative complaint and applications for injunctions to stop allegedly discriminatory conduct. The Tribunal is also increasingly referred allegations of a breach of human rights linked to acts or decisions of public entities, said to be unlawful under the *Anti-Discrimination Act 1991* (Qld).

115 lodgements were made in the reporting period, an increase of 11.65 per cent from 103 last year. The clearance rate of matters was 80 per cent, a decrease of 15 per cent over the previous year. 138 matters are progressing through compliance with directions or awaiting allocation of a hearing date. This decrease in clearance rate and increase in active files is consistent with there being an increase in the number of anti-discrimination matters coming to the Tribunal.

Appeals

The Appeal Tribunal provides an internal appeal process from decisions of the Tribunal made in its original or review jurisdictions. The majority of appeals arise from the MCD jurisdiction of the Tribunal.

The Appeal Tribunal also hears appeals on questions of law from decisions made by other decision-makers under the *Body Corporate and Community Management Act 1997* and the *Right to Information Act 2009* and *Information Privacy Act 2009*.

Appropriate members or judicial members are constituted by the President or her delegate to hear appeals. A judicial member must be constituted as the Appeal Tribunal for appeals from Magistrates sitting as members in the MCD jurisdiction, and in external appeals brought under the *Right to Information Act 2009* and the *Information Privacy Act 2009*.

419 appeals were filed in 2023-24, an increase of 11% over the previous year. The clearance rate of matters was 82 per cent, a decrease of 21% over the previous year. 401 appeals are progressing through compliance with directions or awaiting allocation of a hearing date compared to 326 at the end of the last reporting period. This decrease in clearance rate and increase in active files is consistent with their being an increase in the number of anti-discrimination matters coming to the Tribunal. Part of the increase in the numbers awaiting hearing is attributable to the number of appeals which need to be dealt with by judicial members, (that is, any appeal from a Magistrate) and that the Tribunal's judicial members are already working at or beyond capacity.

Trends emerging in 2023-24 and forecast of workload⁷

QCAT has seen a 1.9 per cent decrease in the total number of lodgements in 2023-24 compared to 2022-23.

Despite this small overall decrease, a number of complex jurisdictions, such as anti-discrimination matters (12 per cent), building disputes (25 per cent), retail shop leases disputes (21 per cent) and administrative reviews (17 per cent), saw double-digit increases resulting in significant increases in active files as at 30 June 2024 in these lists.

The MCD jurisdiction, which remains the largest by volume and includes residential tenancy matters, decreased by two per cent from 2022-23 (13,122 lodgements in 2022-23 compared to 12,786 lodgements in 2023-24), but pending cases almost doubled.

While the guardianship jurisdiction saw a four per cent drop in lodgements, the area has also experienced an increase in workload, largely due to the increase in the complexity of applications, and the number of those complex applications.

As forecast in 2022-23, QCAT has observed increases in guardianship and administration workload and interlocutory applications. An analysis of trends to date indicates that in 2024-25, the increase in QCAT's workload will continue year-by-year.

As discussed in [Budget outcomes and implementation plan section](#), QCAT received significant funding from the Queensland Government to help to address these emerging challenges with increases planned in registry and tribunal staffing, and hearing rooms and accommodation.

⁷ s232(d) and (e) QCAT Act

Proposals for improving the operation of the Tribunal in the present financial year⁸

QCAT continues to strengthen its operational relationships with DJAG through the recent departmental re-structure which amalgamated QCAT with the newly established CAT Division within DJAG. The CAT Division now includes QCAT, the Supreme, District and Land Court Service, the Magistrates Court Service, the Coroners Court of Queensland and RSS.

Implementation of the QCAT Strategic Plan is underway with various projects being implemented to meet its objectives in simplifying processes for Tribunal clients, for example the START Project.

Digitisation of QCAT Registry Minor Civil Dispute processes through the introduction of QCase was implemented during 2023.

QCAT is working closely with RSS through the CTDP to digitise the still paper-based business process functions of HuRD and CAD. This work is in its early stages. An additional project to establish a Judicial Workspace is also under development. That project is also in its early stages.

QCAT will continue to work collaboratively with Government, providing such contributions as possible, focusing on practical suggestions for legislative change to facilitate improving the operation of the Tribunal.

⁸ s232(f) QCAT Act

Proposals for improving quality of decision making across government⁹

It is accepted that the publication of QCAT decisions on the Supreme Court Library's website adds to the body of law available to government decision-makers, and those engaging with government in respect of those decisions, and can, in this way, improve the quality of decision making.

Currently QCAT resourcing means that there are limitations on the number of decisions which are able to be published. It is hoped with the additional funding provided in the 2024-25 budget, that situation can be improved so that more decisions which contribute to the jurisprudence in a particular area or areas are able to be published.

⁹ s232(g) QCAT Act

Appendix 1 — Member and registry directory

Presidential Members

The Honourable Justice Kerri Mellifont, President

Her Honour Judge Geraldine Dann, Deputy President

Senior Members

Professor Ned Aughterson

Ian Brown

Joanne Browne

Ann Fitzpatrick (from 30 December 2023)

Samantha Traves

Acting Senior Members

Ann Fitzpatrick (from 17 July 2023 to 29 December 2023)

Ordinary Members

John Bertelsen

Michael Howe

Jane Bishop

Paul Kanowski

Glen Cranwell

Marcus Katter

Sandra Deane

Barbara Kent

Ann Fitzpatrick (to 16 July 2023)

Michelle Lember

Julie Ford

Sasanka Munasinghe (from 31 December 2023)

Susan Gardiner

David Paratz

Pam Goodman

Hugh Scott-Mackenzie

Acting Ordinary Members

Danielle Browne (29 April 2024 to 19 June 2024)

Elizabeth Gaffney (29 April 2024 to 25 October 2024)

Stephen Lumb (29 April 2024 to 25 October 2024)

Sasanka Munasinghe (17 July 2023 – 30 December 2023)

Adjudicators

David Bancroft	Hugh Scott-Mackenzie
Peter Eardley	Jodie Stroud (to 15 November 2023)
Elizabeth Gaffney (to 28 April 2024)	Derek Struik
William LeMass	Alan Walsh
Gabrielle Mewing	Anna Walsh
Tonya Marshall (from 11 August 2023)	

Acting Adjudicators

Jonathan Adcock (31 July 2023 – 31 January 2024 and 16 February 2024 to 29 June 2024)
Tonya Marshall (19 June 2023 – 10 August 2023)
Patrick Murphy (8 November 2023 to 7 May 2024 and 15 May 2024 to 15 November 2024)

Judicial Sessional Members

Julie Dick SC	Hon Duncan McMeekin KC
Hon Colin Forrest SC	Hon Peter Murphy SC
Richard Jones	David Reid
Hon Ann Lyons	Ray Rinaudo AM
Hon Peter Lyons KC	John Robertson
John McGill SC	

Sessional Members

Jim Allen	Susan Burke	William Cooper
Stephen Armitage	Talitha Burson	Andrew Corrigan
Margaret Arthur	Lisa Butson	John Davies
Dr Sandra Baxendell	Christopher Carrigan	Julie Dick SC
Barbara Bayne	Colleen Cartwright	Raelene Ellis
Renee Berry	Julia Casey	Clare Endicott
Dr Jacqueline Boon	Les Clarkson	Richard English
Peter Bridgman	Tina Cockburn	Michelle Farquhar
Danielle Brown	Simon Coolican	Paul Favell

Jennifer Felton	William LeMass	Louise Pearce
Dr John Forbes	Darren Lewis	Charles Pinkerton
Karen Garner	John Lobban	Vass Poteri
Christopher George	Stephen Lumb	Graham Quinlivan
Peter Goodwin	Mary (Lynne) Matsen	Dr Robert Rees
Jeremy Gordon	Timothy Matthews KC	Linda Renouf
Dr Wendy Grigg	Simone Matthews	Peter Roney KC
Tina Guthrie	Donald McBryde	Keta Roseby
Renea Hart	Louise McDonald	Dr Richard Roylance
Carolyn Hemingway	Jennifer McVeigh	Jennifer Sheean
Steven Holzberger	Gabrielle Mewing	Annette Sheffield
Noel Jensen	Elissa Morriss	Dr Daniel Stepniak
Neil Judge	Sasanka Munasinghe	Derek Struik
Sandra Kairl	Natalie Myatt	Christopher Taylor
Dr Dominic Katter	Roslyn Newlands	Benjamin White
Benjamin Kidston	Jon Norling	Paul Williams
Robert King-Scott	Ross Oden	Lindy Wilmott
Patricia Kirkman-Scroope	Robert Olding	Danae Younger
Vincent Knox	Richard Oliver	
Peter Krebs	Robyn Oliver	

Land Court Sessional Members

William Isdale
James McNamara
Peta Stilgoe OAM

Justices of the Peace*

*JP program is currently in abeyance

James Anderson	Bryan Carpenter	Malcolm Edmiston
Mark Anthony	Michael Corlett	Kevin Erwin OAM
Lawrence Ballinger	John Crighton	Katherine Jane Fenwick
Leigh Bernhardt	Christine Cuthbert-Steele	Anthony Friel
Robert Brummell	Peter Dollman	Arthur Fry

Sean Goodsir
Jane Hawkins
Marilyn Heath
John Howie
Raymond Kelly
Jason Lawler
Susan Lindsay
Bruce Little
Karl McKenzie
Barry McPhee
Shirley Murray

Joanne Myers-Cave
Catherine O'Donnell
Stephen Osachuk
Noel Payne OAM
Graeme Rogers
Hedley Rye
Darryl Schmidt
Stuart Smith
Alan Snow
Darren Swindells
Carole Watson

Jodie Wrench
Legally qualified
Paul Arthur
Michael Francis
Samuel Hardin
Trudi Jobberns
Jessica Mills
Adam Ozdowski
David Phipps

Registry Leadership Group

Executive Director and Principal Registrar

- Darren Davies (to 14 June 2024)
- Tracey de Simone (from 3 June 2024)

Director, Improvement and Support

- Brendan Carlson (to 24 May 2024)
- Kate Phillips (20 May 2024 – 7 June 2024)
- Rachel Nibbs (from 3 June 2024)

Deputy Principal Registrar, CAD

- Melissa Meldrum

Deputy Principal Registrar, HuRD

- Mathew James

Registrar CAD

- Letecia Diете

Registrar HuRD

- Elisa Robbins
- Danielle Barnes (from 10 April to 10 May 2024)

Principal Legal Officer

- Maria Samios

Client Services Manager

- Rhiannon Phillips

Business Services Manager

- Kate Targato

Operations Support Manager

- Chontelle Wells

ICT Strategy Manager

- Xin Yan

Communications Manager

- Andrew Dunne (to 21 July 2023)
- Hillary Smith (7 November 2023 to 30 June 2024)

Human Resources Manager

- Terry McDonald
- Kate McSwan (from 18 May 2023 to 6 October 2023)