

Question on Notice

No. 954

Asked on 12 June 2019

MR J MCDONALD ASKED THE ATTORNEY-GENERAL AND MINISTER FOR JUSTICE (HON Y D'ATH) –

QUESTION:

Will the Attorney-General advise why the department ceased Queensland Civil and Administrative Tribunal hearings in Gatton, causing lengthy delays in resolving residential tenancy matters with people having to travel to Ipswich or Toowoomba?

ANSWER:

I thank the Member for Lockyer for his question.

The Department of Justice and Attorney-General did not make the decision to cease the hearing of Queensland Civil and Administrative (QCAT) minor civil disputes (MCD) at Gatton. This decision would have been made by the Regional Coordinating Magistrate acting under the authority of the Chief Magistrate.

Under section 12 of the *Magistrates Act 1991* the Chief Magistrate is responsible for ensuring the orderly and expeditious exercise of the jurisdiction and powers of the Magistrates Courts throughout the State. This power includes allocating the functions to be exercised by particular magistrates, deciding when and where the functions are to be exercised and deciding the days, places and times for constituting the Magistrates Courts.

It is fundamental to the independence of the judiciary and the separation of powers that these functions are exercised by the Chief Magistrate without interference from Executive Government. Any concerns about this matter should be raised with the Chief Magistrate.

MCD matters filed at Gatton that require a hearing are transferred to the Ipswich Magistrates Court where QCAT adjudicators and a panel of Justices of the Peace are available to hear matters.

May I also remind the Member, delays in hearing civil matters before the court can occur as a result of factors that are outside the court's control, including the complexity of the matter and the progression of the matter through the system by the parties involved.

For QCAT matters other than MCDs, for example guardianship and administration matters, the parties may request a hearing at the Gatton Magistrates Court. QCAT reviews any such requests on a case-by-case basis, ensuring procedural fairness to all parties attending the proceeding, and subject to availability of the courtroom at the Gatton Magistrates Court.

The member should also note that parties to a QCAT matter can seek leave of the tribunal to attend a hearing, compulsory conference or mediation by remote conferencing to ensure parties, regardless of location, are able to attend a QCAT proceeding. Such requests are considered by QCAT on a case by case basis.