

Question on Notice

No. 678

Asked on 24 May 2023

MR R KATTER ASKED THE ATTORNEY-GENERAL AND MINISTER FOR JUSTICE, MINISTER FOR PREVENTION OF DOMESTIC AND FAMILY VIOLENCE (HON Y D'ATH)—

QUESTION:

With reference to reports that, following a request by the Queensland Police Service (QPS), the Queensland Civil and Administrative Tribunal (QCAT) has been ruling against applicants being allowed legal representation in their (QCAT) Weapons Licensing (WL) hearings, which often deal with complex matters of law and procedure— Will the Attorney-General advise whether applicants are being denied rights to have legal representation at QCAT during WL matters and, if so, whether the Attorney intends to make any legislative changes?

ANSWER:

I thank the Member for their question.

QCAT is an independent tribunal that seeks to resolve matters in a manner that is accessible, fair, just, economical and quick.

I am advised that section 43 of the *Queensland Civil and Administrative Tribunal Act 2009* (QCAT Act) deals with representation at QCAT. The main purpose of this section is to have parties represent themselves unless the interests of justice require otherwise.

Subsection 2(b)(ii) provides that a party in a proceeding may be represented by someone else if:

- the party is a child or a person with impaired capacity;
- the proceeding relates to taking disciplinary action, or reviewing a decision about taking disciplinary action, against a person; or
- an enabling Act or rules state that the person may be represented.

However, section 43(2)(b)(iv) also provides that a party may be represented by someone else *if they have been given leave by the tribunal to be represented*. A person may apply for leave to be represented by completing the form available on the QCAT website.

Section 43 provides flexibility for QCAT to decide whether legal representation is appropriate in the circumstances of any particular matter.

As you may be aware, a five-year statutory review of the QCAT Act is currently underway. The terms of reference for the review include consideration of whether, and if so, in what cases, the need to obtain leave to be legally represented should be retained. More information on the terms of reference for the statutory review can be found at <https://www.justice.qld.gov.au/community-engagement/news/2023/review-of-qcat-act-to-improve-and-enhance-the-vital-service-for-queenslanders>.

As part of the review it is intended that a consultation paper will be released and stakeholders and interested members of the public may provide their written submissions on ideas for statutory reform.