

# **INDEPENDENT EXPERT PANEL TO ADVISE ON THE IMPLEMENTATION OF AN AMALGAMATED CIVIL AND ADMINISTRATIVE TRIBUNAL IN QUEENSLAND**

## **Terms of Reference**

### ***Background***

1. Civil and administrative justice is a fundamental part of the justice system in Queensland. That system must be independent, expert, accessible and flexible to meet the specific needs of a range of individuals in society ranging from the most vulnerable in the community to businesses involved in complex disputes. Civil and administrative justice mechanisms must also be able to adapt to the future pressures in Queensland.
2. A recent review found that the current system of civil and administrative justice in Queensland is inefficient and fragmented, reducing the community's access to justice. With over 36 different bodies performing civil and administrative justice, each with associated infrastructure, the current system is confusing to the community, and presents limited opportunities for economies of scale to improve efficiencies and increase quality of decision-making.
3. To address these issues, the Queensland Government has decided to establish a civil and administrative tribunal. The newly amalgamated tribunal will provide a single recognisable gateway to increase the community's access to justice and increase the efficiency and quality of decision-making through a larger administrative structure.
4. The Queensland Government will establish an independent panel of experts to provide advice on how best to implement an amalgamated civil and administrative tribunal, including the precise scope of the jurisdiction of the new tribunal, membership and registry structure, and accommodation, information technology and other infrastructure needs.

### ***Terms of Reference***

1. The panel must provide advice on implementing the amalgamated civil and administrative tribunal to ensure it delivers justice in a way that is:
  - a. Independent;
  - b. Efficient (that is, timely and cost efficient);
  - c. Expert (to ensure quality of decision-making across a range of different jurisdictions);
  - d. Accessible;
  - e. Flexible (to meet the needs of a range of stakeholders ranging from the most vulnerable in the community to businesses with complex contractual disputes); and
  - f. Able to adapt to future pressures including: a burgeoning building industry with related increased building disputes; housing affordability pressures with related increased tenancy disputes; global environmental concerns with increasing environmental regulation; an ageing population; and continuing pressure in relation to child protection and the provision of services to other vulnerable groups.

2. In providing advice on implementing the amalgamated civil and administrative tribunal, the panel will consider (but not limit itself to):
  - a. The precise scope of the jurisdiction of the new tribunal including the original and appellate jurisdictions of the bodies currently performing civil and administrative justice in Queensland (listed in Attachment 1) and which of these bodies is to remain outside of the new tribunal.
  - b. The panel is not to consider the planning and environment jurisdictions listed in section 2 of Attachment 1. Recent reforms that amalgamated the Land and Resources Tribunal and the Land Court have determined that there are no additional benefits to be achieved by further amalgamation for these jurisdictions.
  - c. Any necessary legislative amendments required to implement the new tribunal;
  - d. The administrative structure of the new tribunal's membership and registry staff;
  - e. The processes to be implemented to meet the specific needs of particular tribunal users across a range of jurisdictions to be amalgamated;
  - f. Requirements to establish and operate the new tribunal including projection of future case loads, requirements to ensure access to services in regional, rural and remote areas, and infrastructure needs including information technology and requirements for accommodation of registry services, hearing rooms and mediation spaces; and
  - g. The relationship between the new amalgamated tribunal and the courts and all tribunals across government which are to remain separate from the new tribunal.
  
3. In providing advice on implementing the amalgamated civil and administrative tribunal, the panel will be informed by:
  - a. The expert views of existing tribunal members and registry staff, representatives of users of tribunals and relevant Government agencies;
  - b. The experience of other jurisdictions in developing and implementing amalgamated models of civil and administrative justice in Australia;
  - c. Any evaluations of amalgamated models of civil and administrative justice currently operating in Australia;
  - d. Any advice from the Legal, Constitutional and Administrative Review Committee arising out of their review into the accessibility of administrative justice.

### ***Timeframes***

It is the Government's intention to introduce any necessary legislation to implement the new tribunal by March 2009. In order to achieve that timeframe, the independent panel of experts will be asked to report to Government in three stages:

1. June 2008: report on scope of jurisdiction and initial establishment and implementation arrangements for the amalgamated civil and administrative tribunal;
2. October 2008: report on any necessary legislative amendments required to implement the amalgamated civil and administrative tribunal; and
3. March 2009: final report detailing full operational implementation requirements.