

23 January 2026

To: The Honourable David Thomas, Reviewer  
QCAT Act Review  
Email: [qcatactreview@justice.qld.gov.au](mailto:qcatactreview@justice.qld.gov.au)

## Submission to the Queensland Civil and Administrative Tribunal Act Statutory Review 2025–26

### 1. Overview and SCAQ's interest

Strata Community Association (Queensland) (SCAQ) welcomes the opportunity to contribute to the Queensland Civil and Administrative Tribunal Act Statutory Review 2025–26.

SCAQ represents strata professionals who support bodies corporate across Queensland. Our members work daily with volunteer committees, lot owners and service providers and are directly exposed to the outcomes of QCAT processes, decisions and delays.

As one of Queensland's fastest growing housing typology, strata living is one we must work to actively support. As a snapshot:

- 13% of Queensland residents live in a strata community (and growing).
- The sector has close to \$250 billion in insurable assets under its remit.
- There are currently 53, 000 schemes registered in Queensland.

And, strata is growing rapidly.

This submission focuses on a systemic issue that arises consistently across the Review's issues papers: **QCAT does not consistently have access to a suitably qualified and experienced panel of decision-makers to hear body corporate matters**, and the resulting delays and incorrect decisions have significant and enduring consequences for bodies corporate and their communities.

This submission responds thematically to issues raised across Issues Papers 1, 2, 3, 5 and 7, reflecting the interconnected nature of the challenges identified by the Review.

### 2. The specialist nature of body corporate disputes

Body corporate disputes are not generic civil disputes. They are statutory, technical and governance-based, operating within a highly prescriptive legislative framework and affecting entire communities rather than individual litigants.

These disputes commonly involve:

- interpretation of complex enabling legislation
- competing statutory obligations

- long-term financial implications for all owners
- ongoing governance and compliance consequences
- heightened community and reputational impacts

Where disputes are determined without adequate specialist expertise, there is a heightened risk of misinterpretation, inconsistency and error. For bodies corporate, an incorrect decision can distort governance, undermine committee authority, increase costs and entrench conflict across an entire scheme.

### **3. Consequences of delay and incorrect decisions**

The Review has identified significant and systemic delay pressures, particularly in minor civil disputes and building and construction matters.

For bodies corporate, delay is not merely inconvenient. It has compounding impacts, including:

- delayed levy recovery and increased financial pressure on compliant owners
- prolonged building defect disputes, allowing risks and costs to escalate
- governance paralysis while matters remain unresolved
- erosion of confidence in statutory dispute resolution pathways
- deterioration of community cohesion and volunteer participation

In building matters, delays approaching two years expose bodies corporate to unresolved safety, compliance and financial risks. In minor civil disputes, extended delays undermine effective enforcement and compliance within schemes.

Delay combined with insufficient specialist capability materially increases the likelihood that disputes will escalate, require correction or generate further proceedings.

### **4. Systemic issues identified across the Review**

Across the issues papers, the Review identifies themes that directly affect body corporate matters, including:

- the tension between QCAT's breadth of jurisdiction and depth of specialist expertise
- resourcing and capacity constraints driving delay
- appointment and tenure settings that affect expertise retention
- the need for stronger triage and early case management

Taken together, these themes point to the need for structural reform rather than incremental procedural adjustment.

### **5. Priority reforms sought by SCAQ**

#### **A. Specialist adjudication and structural alignment for body corporate matters**

SCAQ strongly supports the establishment of formal specialist adjudication capacity for body corporate matters within QCAT.

Consistent with the Review's focus on appropriate deployment of expertise, SCAQ recommends that body corporate matters be structurally recognised and allocated within QCAT, rather than dispersed across general civil lists.

In this context, SCAQ concurs with the position advanced by our colleagues at the Australian College of Strata Lawyers, namely that body corporate matters should sit within a dedicated Body Corporate and Community Management division of QCAT, with first-instance matters allocated to specialist members of that division.

This structural approach would:

- recognise the unique statutory and governance framework governing community titles schemes
- improve decision quality and consistency through accumulated expertise
- reduce delay caused by misallocation and re-learning
- support effective early case management

SCAQ further supports the **retention of a Judicial President model for QCAT**, noting the importance of preserving QCAT's appellate role, including appeals from Magistrates Court matters and broader judicial oversight.

In SCAQ's view, the appropriate balance is achieved by:

- allocating first-instance body corporate matters to specialist non-judicial members within a dedicated division; and
- retaining judicial leadership at the Tribunal level to ensure appellate coherence, consistency and institutional integrity.

## **B. Strengthen triage and early case management**

Bodies corporate are frequently drawn into proceedings that are poorly framed, jurisdictionally defective or capable of early resolution.

SCAQ supports stronger powers to:

- reject or require amendment of defective applications at an early stage
- identify standing and jurisdictional issues before matters progress
- implement structured case management pathways for body corporate disputes

## **C. Improve timeliness in jurisdictions affecting bodies corporate**

SCAQ supports increased resourcing in minor civil disputes and building jurisdictions that materially affect bodies corporate. Additional capacity must include **appropriately skilled decision-makers**, not solely volume-based resourcing.

SCAQ also supports expanded and earlier use of alternative dispute resolution and compulsory conferences, particularly in building matters, to reduce escalation and delay.

#### **D. Legal representation for bodies corporate**

Body corporate disputes often involve complex statutory interpretation and significant financial exposure. Volunteer committees are not equipped to self-represent effectively.

SCAQ supports legal representation as of right for bodies corporate in complex enabling-act matters.

#### **E. Appointments, tenure and retention**

Specialist capability cannot be sustained without stable appointments and clear pathways for retention.

SCAQ supports reforms to:

- extend appointment terms in specialist jurisdictions
- improve retention of experienced members
- embed ongoing professional development for specialist lists

### **6. Conclusion**

SCAQ supports the objectives of an accessible, fair, economical and timely tribunal. Those objectives will not be consistently achieved for body corporate matters without formal recognition of their specialist nature.

Structural alignment, specialist adjudication, stronger triage and improved timeliness are essential to restoring confidence in QCAT as an effective forum for body corporate disputes.

SCAQ welcomes continued engagement with the Review.

Yours sincerely,



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