



ACT Civil and Administrative Tribunal (ACAT) Members Competency Framework

A. Knowledge and technical skills

Relevant qualities

Exhibits competence, conscientiousness, commitment to high standards.

Competency	Performance indicators
1. Possesses sound legal knowledge and technical skills: • Possesses, or can acquire readily, a sound general knowledge of the legal framework for the tribunal's operation; or • Possesses, or can acquire readily, relevant technical subject matter knowledge.	Can accurately describe and explain the relevant law, jurisdiction and ACAT procedures to parties. Analyses complex and competing factual and legal material. Identifies and articulates critical issues. Properly applies appropriate legal principles to issues before the tribunal. Stays up to date with changes to law and procedure. Broadens and extends relevant knowledge.

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B. Fair Treatment

Relevant qualities

Administers proceedings fairly, rationally, predictably, consistently and impartially.

Competency	Performance indicators
1. Possesses a sound understanding of the tribunal's obligation to conduct hearings in a way that promotes fair and equal participation by all parties and applies that understanding in practice. 2. Is aware of and respects human diversity in all its forms. 3. Exhibits fairness, courtesy, tolerance and empathy in the application of the law and tribunal procedures. 4. Conducts proceedings in a fair and respectful manner and encourages other participants to behave respectfully and courteously.	Treats everyone with respect, courtesy and dignity. Takes every reasonable step to ensure parties before the tribunal understand and participate in proceedings. Provides appropriate assistance to parties including self-represented parties. Meets the requirements of those with special needs. Makes use of interpreters, signers and communication aids such as loop systems, to ensure effective communication between parties and tribunal members. Maintains a proper balance between assisting those appearing before the tribunal to enable them to participate fully and the impartiality of the tribunal.

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C. Communication

Relevant qualities

Communicates with courtesy, patience, tolerance, fairness, empathy and self-discipline.

Competency	Performance indicators
1. Communicate effectively with all participants in tribunal proceedings. 2. Communicate effectively with other tribunal members and staff. 3. Facilitate the participation of all parties, representatives and other Members to ensure fair treatment and a fair hearing.	Demonstrates effective communication between the tribunal and all parties appearing before it. Asks clear, concise and relevant questions. Uses clear, concise and plain language to explain any relevant factual, legal or procedural issues to the parties. Exercises authority and interacts appropriately with the parties at a hearing. Employs active listening skills and uses appropriate body language. Regularly checks the understanding of all participants. Makes effective use of those who support, interpret, assist and represent parties in the tribunal's process, to enable all to participate fully in the proceedings, and ensures effective use of all types of communications aids. Explains decisions, both verbally and in writing, using clear and concise language so that the parties understand the findings, reasons and decisions.

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D. Conduct of proceedings/hearings

Relevant qualities

Conducts proceedings with courtesy, patience, fairness, empathy, self-discipline and with authority.

Competency	Performance indicators
1. Conducts hearings in a manner that establishes and maintains the independence and authority of the tribunal and enables proper participation by all involved. 2. Manages the hearing process to facilitate the fair and timely determination of the dispute. 3. Ensures that the hearing addresses all relevant issues.	Facilitates the participation of all parties and representatives to ensure fair treatment and a fair hearing. Controls the proceedings with authority through a structured approach of fair and effective management and intervention and a proper balance between formality and informality. Appropriately conducts proceedings in accordance with the tribunal's current procedural rules. Treats all parties and representatives even-handedly. Prioritises effectively and minimises delay in proceedings, including by making effective use of adjournments and reducing irrelevant matters. Is punctual and well-prepared and exhibits familiarity with the points at issue in the case. Identifies relevant critical issues, and areas requiring clarification or investigation and provides clarity where appropriate.

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Competency	Performance indicators
	Where appropriate, identifies areas of agreement between the parties, clarifies the issues in dispute and encourages the parties to negotiate and settle their dispute. Behaves in a measured, calm and firm manner and deals effectively with inappropriate conduct. Is objective, open minded and inspires respect and confidence. Maintains a proper balance between assisting those appearing before the tribunal to enable them to participate fully, and the impartiality of the tribunal. Ensures that each party is properly heard. Ensures that if a party does not attend, the case is properly considered in accordance with the rules of procedure and the requirements of justice. Explains to the parties what will happen after the hearing has ended. Operates effectively as part of a multi member panel. Maintains an effective and cooperative working relationship with tribunal staff.

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E. Dispute Resolution

Dispute resolution: Hearing

Relevant qualities

Exhibits impartiality, independence, confidence, decisiveness.

Competency	Performance indicators
1. Exercises sound judgment and appropriate exercise of discretion.	Ensures that the issues are identified.
2. Identifies and assimilates relevant facts and expert evidence.	Evaluates evidence objectively and impartially
3. Uses a structured decision-making process to produce well-structured, concise and clear reasons for decisions.	Applies specialist expertise, where relevant, to understand and evaluate the evidence.
4. Makes and delivers decisions in a timely manner.	Relies on own judgment but seeks assistance from other Members where appropriate and provides such assistance when requested to do so.
	Makes timely and appropriate procedural decisions.
	Makes relevant findings of fact based on the evidence before the tribunal and distinguishes those facts which are irrelevant.
	Considers relevant issues of law and fact, and applies the relevant law, to formulate firm, reasoned and coherent decisions.
	Treats decisions of the tribunal with respect, in the interests of comity and consistency.

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Competency	Performance indicators
	Produces well-structured, reasoned decisions that use clear and appropriately concise language and determines the issues for consideration, so the parties understand the decision and the reasons for it. Where appropriate gives oral decisions. Edits and proof-reads written decisions prior to publication.

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Dispute resolution: Conference and mediation

Relevant qualities

Facilitation skills are confident, creative, empathetic and impartial.

Competency	Performance indicators
1. Manages mediations and other dispute resolution processes effectively to facilitate the fair and voluntary resolution of disputes in a timely way: • Mediators are appropriately qualified and accredited. • Conference convenors have appropriate training and qualifications in dispute resolution techniques. 2. Possesses high level communication skills. 3. Uses appropriate dispute resolution techniques to assist parties to resolve their dispute.	Treats all parties and representatives with courtesy, respect and dignity. Makes clear and comprehensive opening statements which explain the process and the importance of confidentiality. Actively listens, summarises and reframes effectively. Regularly checks the understanding of all participants. Assists parties to identify options for settlement and invites parties to consider the consequences of failing to reach agreement. Prioritises self-determination to ensure that parties give informed consent to any agreement. Maintains confidentiality at all times. Empowers parties to draft terms of settlement that are clear, accurate and concise.

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F. Efficiency

Relevant qualities

Committed to efficient administration and self-discipline.

Competency	Performance indicators
1. Manages hearings to facilitate the fair and timely resolution of dispute. 2. Actively manages cases to promote the efficient and just determination of disputes. 3. Makes effective use of all available tribunal resources, including ICT systems (such as ICMS) where possible.	Works at an appropriate pace and prioritises effectively. Is punctual and well prepared. Manages cases using the most efficient approach and procedures, including adopting a proactive approach focusing on the key issues and exercising discretion in the course of proceedings to ensure the efficient use of time. Establishes and enforces realistic time estimates. Promptly discharges administrative responsibilities. Works cooperatively with other tribunal Members and staff. Uses information technology and other resources effectively. Uses the ACAT's IT case management system (ICMS) where possible and educates parties about how to best conduct themselves for the benefit of the transcript. Makes decisions in a timely manner, including delivering reserved decisions consistent with the tribunal's performance benchmark.

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G. Professionalism and integrity

Relevant qualities

- Capacity to handle stress and the isolation of their role in making decisions.
- Patience, honesty, tolerance, consideration for others and personal responsibility.
- Resilience, diligence, impartiality, communication, objectivity and collegiality.

Competency	Performance indicators
1. Maintains the independence, authority and reputation of the tribunal. 2. Maintains personal independence and integrity. 3. Promotes the highest standards of behaviour.	Shows an ability and willingness to learn and develop professionally. Complies with the training requirements of the tribunal and takes responsibility for his or her own professional development. Recognises and discloses actual or potential conflicts of interest. Behaves with dignity and professionalism. Is scrupulously fair to all participants in proceedings, attending properly to any particular needs. Remains detached and manages own reactions and emotions. Treats all people attending, appearing or working at the tribunal with courtesy, respect and dignity. Respects and complies with the law.

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Competency	Performance indicators
	Avoids any perception of bias by avoiding use of words or conduct that might give rise to the perception of an absence of impartiality. Remains and appears impartial between parties whether individuals, professionals or public bodies. Provides clear, well-reasoned decisions in a time frame which is consistent with the tribunal's performance benchmark. Displays a high degree of self-awareness, engaging with others in a constructive manner and displaying emotional intelligence. Has an awareness of the need for self-care and has insight into how their workload impacts on their performance and well-being. Works in a collegiate way with other Members and tribunal staff.

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H. Leadership and management

Relevant qualities

Responsibility, innovation, creativity and commitment to efficient administration.

Competency	Performance indicators
President 1. Possesses administrative and leadership skills of a high order. 2. Strategically plans and organises work. 3. Manages change. 4. Supports and develops talent. 5. Encourages and facilitates teamwork. 6. Provides leadership in the delivery of key projects and the management and determination of complex cases. 7. Adopts a strategic approach to the professional development of members. 8. Manages and fosters knowledge transfer.	President Strategically manages resources. Appropriately deals with performance issues. Creates an annual professional development plan to ensure that each member meets his or her key competencies. Effectively manages meetings and encourages contribution. Initiates and supports innovation and continuous improvement. Delegates appropriately to support and foster talent. Seeks and receives feedback. Advocates as appropriate with the Attorney-General and the Director-General of Justice and Community Safety on behalf of the tribunal. Manage succession planning and facilitates appointments to ensure the appropriate skills and experience are available to the tribunal as needed.

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Competency	Performance indicators
Full-time member 1. Strategically plans and organises work. 2. Manages change. 3. Supports and develops talent. 4. Encourages and facilitates teamwork. 5. Provides leadership in the delivery of key projects and the management and determination of complex cases.	Full-time member Effectively manages tasks allocated to them. Uses initiative to creatively solve problems and improve the tribunal's efficiency. Works in partnership with other members and the administration to achieve objectives in key projects. Identifies, manages and reports to the President about risk. Ensures that decisions within their work area are made and, where appropriate, published in a timely way. Engages regularly with relevant sessional members and facilitates relevant training and discussion of important issues. Engages regularly with the community to report on new initiatives and to obtain feedback. Allocates hearings and other work to sessional members based on their skills and experience. Regularly interacts with Registry to facilitate innovation and improve the performance of their area of responsibility.