

~~dispute resolution will form part of the fabric of QCAT. Mediation and compulsory conferences may be held at any stage with the aim of settling the dispute.~~

~~To ensure QCAT remains as informal and as economical as possible, parties will generally represent themselves. However, if the interests of justice or the rules of natural justice require a party to be represented, QCAT will grant leave for the representation. To ensure QCAT is a low cost jurisdiction, parties must generally bear their own costs unless the tribunal considers it is appropriate in the interests of justice to award costs.~~

~~One of the most significant reforms contained in this legislation is a requirement for QCAT to give reasons, orally or in writing, for its final decision. If the reasons are given orally, a party has 14 days to ask for written reasons which must then be provided within 45 days of the request. This is a new requirement for some amalgamating tribunals, for example, the Small Claims Tribunal. Decisions of QCAT may be appealed to the appeal tribunal within QCAT. A party may then appeal a decision of the appeal tribunal to the Court of Appeal on a question of law with leave of the court. However, if a judicial member originally heard the matter, the appeal is to the Court of Appeal. Appeals from decisions of a judicial member are as of right on questions of law and with leave of the appeal tribunal or Court of Appeal on questions of fact or mixed questions of fact or law.~~

~~Different rules apply to minor civil disputes. Appeals can only be made with the leave of the appeal tribunal. This reflects the purpose of this jurisdiction, which is to quickly achieve finality in these disputes. However, this appeal right represents a significant enhancement of the current appeal rights for these matters. Currently, judicial review is the only means of reviewing the original decision for small claims. There is currently no right of appeal from decisions of the Magistrates Court in minor debt claims. While the QCAT registry will be centrally located at 259 Queen Street, in Brisbane's CBD, the tribunal will service Queenslanders across the state.~~

~~A number of initiatives will be implemented independent to the legislation that will also ensure QCAT's effective operation, including a standardised case management system, the automation of many tribunal processes and a new user friendly website to help users understand how to apply to QCAT.~~

~~The bills give effect to a major commitment of this government to provide users with a simple, quick and effective process for resolving disputes and reviewing administrative decisions. We are committed to providing a justice system that is fair and accessible and meets the needs of Queenslanders in the 21st century and QCAT will help us to meet these objectives. On behalf of the state government and the people of Queensland, I commend the bill to the House.~~

~~Debate, on motion of Mr Nicholls, adjourned.~~

QUEENSLAND CIVIL AND ADMINISTRATIVE TRIBUNAL (JURISDICTION PROVISIONS) AMENDMENT BILL

First Reading

Hon. CR DICK (Greenslopes—ALP) (Attorney-General and Minister for Industrial Relations) (8.15 pm): I present a bill for an act to make consequential and other amendments of various acts that relate to the jurisdiction of the Queensland Civil and Administrative Tribunal. I present the explanatory notes, and I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Tabled paper: Queensland Civil and Administrative Tribunal (Jurisdiction Provisions) Amendment Bill.

Tabled paper: Queensland Civil and Administrative Tribunal (Jurisdiction Provisions) Amendment Bill, explanatory notes.

Second Reading

Hon. CR DICK (Greenslopes—ALP) (Attorney-General and Minister for Industrial Relations) (8.15 pm): I move—

That the bill be now read a second time.

This bill is to be debated as a cognate bill with the Queensland Civil and Administrative Tribunal Bill 2009, which establishes the Queensland Civil and Administrative Tribunal. To obtain a comprehensive understanding of the reforms undertaken to establish QCAT, this bill should be read in conjunction with the QCAT Bill.

In my second reading speech for the QCAT Bill I outlined the key features of QCAT, including the procedures and membership requirements for the new tribunal. As I indicated in my speech introducing the QCAT Bill, this bill amends 216 pieces of legislation to give QCAT jurisdiction for a wide range of matters. The jurisdiction that is conferred on QCAT by this bill is in line with the recommendations of the independent expert panel that was appointed to advise government about implementing the new tribunal. This bill gives QCAT jurisdiction for matters to be heard in the original, review and appeal jurisdiction of the tribunal.

Examples of the jurisdiction conferred in this bill for QCAT's original jurisdiction include guardianship and discrimination matters, civil disputes such as building disputes, disputes between residents and owners of residential parks and retail or residential tenancy disputes. The bill also gives QCAT jurisdiction to decide applications by regulatory bodies for disciplinary orders against members of particular professions, vocations or occupations.

Under this bill QCAT, in its review jurisdiction, can decide applications for reviews of administrative decisions of government agencies and statutory authorities ranging from licensing, registration or accreditation decisions relating to liquor, gaming, the provision of community and educational services and a broad range of activities and occupations. Other administrative decisions that QCAT may review include decisions about children in care, decisions about the registration of a birth, death or marriage and film classification decisions.

This bill also confers jurisdiction on the appeal tribunal in QCAT. The bill provides for appeals direct to the appeal tribunal of QCAT for certain decisions under the Body Corporate and Community Management Act 1997. Decisions that may be appealed under the Body Corporate and Community Management Act 1997 are decisions of an independent arbiter about body corporate disputes.

Some of the acts amended in this bill retain specialist procedures for a particular jurisdiction that modify the provisions of the QCAT Bill. While the QCAT Bill sets out the general procedural provisions, an enabling act may have different specialist procedures or requirements to ensure that the particular jurisdiction is exercised effectively.

An example of a specialist requirement is the requirement for certain members with particular expertise to hear matters in QCAT. For example, social workers will be required to sit on child protection matters and paediatricians will be required to sit on matters relating to sterilisation of children under the Guardianship and Administration Act 2000.

These provisions retain the specialist focus of the previous Children Services Tribunal and the Guardianship and Administration Tribunal while also achieving the general benefits of the single administrative framework as I have described in my speech for the QCAT bill.

Both this bill and the QCAT bill have been the result of extensive consultation both within government and with external stakeholders who manage and use the existing tribunals which will be amalgamated. Stakeholders generally support the bills and their feedback has been invaluable in the development of the bills and in improving the operation of the tribunal. I commend the bills to the House.

Mr NICHOLLS: Legislation to arouse the passions of any civil practice lawyer, I am sure, Mr Speaker.

Debate, on motion of Mr Nicholls, adjourned.

~~AUDITOR-GENERAL BILL~~

~~FINANCIAL ACCOUNTABILITY BILL~~

~~Second Reading (Cognate Debate)~~

~~Auditor General Bill resumed from 22 April (see p. 78), on motion of Ms Bligh, and Financial Accountability Bill resumed from 22 April (see p. 62), on motion of Mr Fraser~~

~~That the bills be now read a second time.~~

~~**Mr LANGBROEK** (Surfers Paradise LNP) (Leader of the Opposition) (8.20 pm): It is my pleasure to rise to speak to the Auditor General Bill 2009. The shadow Treasurer will be speaking to the Financial Accountability Bill. I note the policy objective of the Auditor General Bill is to replace and update parts 5 and 6 of the Financial Administration and Audit Act 1977 and that the bill will emphasise and enhance the independence of the Queensland Auditor General, address a number of operational issues to improve the ability of the Queensland Audit Office to carry out its functions and consolidate audit provisions contained within other parts of the FAA Act and the Government Owned Corporations Act into one piece of legislation and make further miscellaneous amendments.~~