

~~Ruthenberg, Seeneey, Shorten, Shuttleworth, Smith, Sorensen, Springborg, Stevens, Stewart, Stuckey, Symes, Trout, Walker, Watts, Wellington, Woodforth, Young, Tellers: Kaye, Menkens~~


~~NOES, 9—Byrne, Hopper, Knuth, Mulherin, Palaszczuk, Pitt, Trad, Tellers: Miller, Scott~~

~~Question put—That the motion be agreed to.~~

~~Motion agreed to.~~

<QUEENSLAND CIVIL AND ADMINISTRATIVE TRIBUNAL (JUSTICES OF THE PEACE) AMENDMENT BILL

Introduction

 **Hon. JP BLEIJIE** (Kawana—LNP) (Attorney-General and Minister for Justice) (12.50 pm): I present a bill for an act to amend the [Queensland Civil and Administrative Tribunal Act 2009 and the [Queensland Civil and Administrative Tribunal Regulation 2009 for particular purposes. I table the bill and the explanatory notes. I nominate the [Legal Affairs and Community Safety Committee to consider the bill.

Tabled paper: Queensland Civil and Administrative Tribunal (Justices of the Peace) Amendment Bill 2013

Tabled paper: Queensland Civil and Administrative Tribunal (Justices of the Peace) Amendment Bill 2013, explanatory notes

I am pleased to introduce the Queensland Civil and Administrative Tribunal (Justices of the Peace) Amendment Bill 2013. The bill represents the fulfilment of the Queensland government's pre-election pledge to trial an expansion of the role of justices of the peace for minor civil disputes with the aim of reducing court and tribunal backlogs.

Justices of the peace play a valuable role in the community. They are respected citizens who are entrusted by their community with special responsibilities. Honourable members may be interested to know that the historical origin of our modern-day justices of the peace is considered to have originated in England under King Richard I, or 'Richard the Lion-heart', in the late 12th century. They were known as keepers of the peace or keepers of the king's peace. The term 'justice of the peace' is thought to have derived from the 14th century, under an act of parliament that referred to the 'good and lawful men to be appointed to guard the peace'.

021 The government's pre-election commitment recognised the voluntary contributions made by our modern-day justices of the peace in Queensland. It sought to expand the opportunities available to justices of the peace to contribute should they choose to do so while at the same time reduce the burden on the court and tribunal system.

The bill will facilitate a six-month trial enabling two justices of the peace to constitute the Queensland Civil and Administrative Tribunal, QCAT, to hear and decide minor civil disputes with a value of \$5,000 or less and non-urgent residential tenancy matters. The general monetary limit for minor civil disputes in QCAT is \$25,000. The trial, therefore, focuses on the more minor, less complex matters. The bill sets out the types of disputes that the justices of the peace may hear. They include non-urgent residential tenancy disputes, minor debts, claims for damage arising from motor vehicle accidents and repairs for defects in motor vehicles, trader and consumer disputes and tree and dividing fence disputes. These disputes must not have a value of more than \$5,000. Based on the 2011-12 applications, it is estimated that between 3,750 and 4,000 applications will come within the parameters of the trial over the next six-month period in the trial locations.

The trial will commence on 3 June 2013 and will be conducted in Brisbane, Southport, Ipswich, Maroochydore and Townsville. Currently minor civil disputes are heard by QCAT adjudicators in Brisbane, Southport and Ipswich; by magistrates in Maroochydore; and by a judicial registrar of the Magistrates Court in Townsville. Disputes over \$5,000 and urgent residential tenancy disputes including evictions will continue to be heard by adjudicators, magistrates and the judicial registrar.

The objectives of the trial are to recognise the substantial voluntary contribution of JPs and provide opportunities to expand this role; reduce the average time taken to finalise minor civil dispute applications and improve the clearance rate in the trial sites; reduce the costs of hearing of these matters; and enable QCAT adjudicators, magistrates and the judicial registrar to deal with more complex or urgent matters.

The bill requires a panel of two justices of the peace, one of whom must be legally qualified, to constitute the tribunal. The legally qualified justice of the peace will preside and decide questions of law that may arise in any of the proceedings. The presiding justice of the peace will make the decision

in proceedings should the two justices of the peace disagree. This is consistent with the approach taken in the QCAT Act where more than one member constitutes the tribunal.

The bill also contains amendments to the Queensland Civil and Administrative Tribunal Regulation 2009 to prescribe the daily sitting fee of \$100 for each justice of the peace. It should be noted that my department has conducted consultation with key stakeholders such as the Queensland Justices Association, the Queensland Law Society and the Real Estate Institute of Queensland during preparation for the bill and the parameters for the trial.

The trial will be evaluated and the evaluation findings will inform decision making about whether the program should be extended, modified or ceased. The bill contains a sunset clause for the amendments to the QCAT Act and the QCAT Regulation. This is in recognition of the fact that this is indeed a trial. The bill enables extension of the expiry date by regulation for another two years.

I congratulate all our justices of the peace and commissioners for declarations in Queensland on the wonderful job they do right across the state. We have approximately 80,000 registered JPs and commissioners for declarations, and JPs under the old system, that contribute to the justice system in Queensland. As I have said on many occasions, the justice system would be more costly to individuals in Queensland if we did not have our justices of the peace dispensing justice right around Queensland at the moment.

The bill I introduce today sets about meeting the government's pre-election pledge to revitalise the JP Branch in Queensland. There are justices of the peace right across Queensland in the respective electorates of all honourable members, who would endorse the comment that JPs play a valuable role in our community. They do an amazing job. I particularly mention the JPs in the Community program, which sees justices of the peace in local shopping centres, libraries and community centres right around Queensland. People can go to these centres and have documents witnessed, affidavits sworn and other relevant pieces of paper sighted.

As part of the revitalisation of the JP Branch, over the last few weeks alone we have held workshops around Queensland. Over 800 JPs have participated in these workshops. I congratulate the team at the revitalised and refocused JP Branch for the role they are now proactively playing with JPs right around Queensland. We know that a lot of the participants in the JP program are outstanding members of our community, held in the highest realm of integrity. I congratulate all our justices of the peace for the awesome work they do right around this state.

As part as this revitalisation of the JP Branch we are getting out of training. That is part of the process in introducing this bill. We will outsource that to JP organisations, which deal with this on a daily basis. If at any time there are ways we can proactively engage JPs more than we have in the past, we should do that.

Members will know that I am a traditionalist. As such, on the certificate of appointment that I personally sign I have restated the oath of allegiance to Her Majesty Queen Elizabeth II. Now, when JPs make their oath of allegiance or affirmation they get a certificate which bears that oath. As I travel around the state I hear that JPs very much like that new certificate. It gets to the point that JPs used to be called, under 'Richard the Lion-Heart' and Edward III, 'keepers of the king's peace'.

On behalf of all members of this honourable place I congratulate all JPs. They do an amazing amount of work in our electorates. Their work will continue. I hope that with the introduction of this bill and the revitalisation of the JP Branch they can do their work with more capacity and better assistance from the JP Branch than they have ever had before. I thank the honourable members who nominate JPs for certificates. I personally sign all of those certificates. I commend the bill to the House. >

First Reading



Hon. JP BLEIJIE (Kawana—LNP) (Attorney-General and Minister for Justice) (1.00 pm): 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.

Referral to the Legal Affairs and Community Safety Committee


Madam DEPUTY SPEAKER (Miss Barton): Order! In accordance with standing order 131, the bill is now referred to the Legal Affairs and Community Safety Committee.

Sitting suspended from 1.00 pm to 2.30 pm.

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~~TRANSPORT AND OTHER LEGISLATION (HEAVY VEHICLE NATIONAL LAW) AMENDMENT BILL~~

~~Message from Governor~~

 **Hon. SA EMERSON** (Indooroopilly—LNP) (Minister for Transport and Main Roads) (2.30 pm): I present a message from Her Excellency the Governor.

The Speaker read the following message—

MESSAGE

~~TRANSPORT AND OTHER LEGISLATION (HEAVY
VEHICLE NATIONAL LAW) AMENDMENT BILL 2013~~

Constitution of Queensland 2001, section 68

I, PENELOPE ANNE WENSLEY AC, Governor, recommend to the Legislative Assembly a Bill intituled—

A Bill for an Act to amend the Forestry Act 1959, the Heavy Vehicle National Law Act 2012, the Motor Racing Events Act 1990, the Police Powers and Responsibilities Act 2000, the State Penalties Enforcement Act 1999, the Summary Offences Act 2005, the Tow Truck Act 1973, the Transport Operations (Road Use Management) Act 1995, the Work Health and Safety Act 2011 and the Youth Justice Act 1992 for particular purposes.


(sgd)

GOVERNOR

Date: 19 MARCH 2013

Tabled paper: Message, dated 19 March 2013, from Her Excellency the Governor recommending the Transport and Other Legislation (Heavy Vehicle National Law) Amendment Bill.

Introduction

 **Hon. SA EMERSON** (Indooroopilly—LNP) (Minister for Transport and Main Roads) (2.32 pm): I present a bill for an act to amend the Forestry Act 1959, the Heavy Vehicle National Law Act 2012, the Motor Racing Events Act 1990, the Police Powers and Responsibilities Act 2000, the State Penalties Enforcement Act 1999, the Summary Offences Act 2005, the Tow Truck Act 1973, the Transport Operations (Road Use Management) Act 1995, the Work Health and Safety Act 2011 and the Youth Justice Act 1992 for particular purposes. I table the bill and explanatory notes. I nominate the Transport, Housing and Local Government Committee to consider the bill.

Tabled paper: Transport and Other Legislation (Heavy Vehicle National Law) Amendment Bill 2013.

Tabled paper: Transport and Other Legislation (Heavy Vehicle National Law) Amendment Bill 2013: Explanatory Notes.

I am pleased to introduce the Transport and Other Legislation (Heavy Vehicle National Law) Amendment Bill 2013 to the Queensland parliament. The main purpose of the bill is to amend existing Queensland legislation to remove those aspects of heavy vehicle regulation that are dealt with by the Heavy Vehicle National Law. This will be achieved principally through amendments to the Transport Operations (Road Use Management) Act 1995. The bill also inserts references to the national law in existing Queensland legislation where they are needed.

Queensland has had a dual role in this heavy vehicle reform process. The first role is as host jurisdiction to facilitate the making of the national law for adoption in all states and territories of Australia. This involved the establishment of the National Heavy Vehicle Regulator and the two bills which the House has already passed. The second role for Queensland is as one of the states that needs to adopt the national law and ensure that its statute book is updated in readiness for the commencement of the national law later this year. This requires the bill that I am introducing today. All other participating jurisdictions will be required to undertake a similar exercise before the national law becomes operational throughout Australia. In addition to consequential amendments, this bill makes several minor changes to the Queensland application laws for the Heavy Vehicle National Law Act 2012 which are needed as a result of the Heavy Vehicle National Law Amendment Act 2013. For example, the national law, as amended by the Heavy Vehicle National Law Amendment Act 2013, permits each jurisdiction's application law to deal with the use of force against people and property.