

29 November 2012

Research Director
Legal Affairs and Community Safety Committee
Parliament House
George Street
Brisbane Qld 4000

By Email: lacsc@parliament.qld.gov.au

Dear Sir

**Re: Classification of Computer Games and Images and Other Legislation
Amendment Bill 2012**

The first major subject area of amendment is to the classification of *Computer Games and Images Act 1995*, the *Classification of Films Act 1991* and the *Classification of Publications Act 1991*.

The Association makes no comment about these amendments nor to the consequential amendments required to the *Criminal Code*.

Amendments to the *Land Act 1994* and the *Neighbourhood Disputes Resolution Act 2011* also do not require comment.

Amendments to the *Recording of Evidence Act 1962* enable the outsourcing of the recording and transcribing of legal proceedings.

This is a policy decision about which no comment is made.

The Association notes however, that the retention of an efficient, effective and timely transcription service is essential to the proper administration of the justice system. The State Reporting Bureau provides a valuable service to the Courts, practitioners and the public. The changes to the system enabled by these legislative amendments must not allow an erosion of the services presently available. An accurate, reliable and timely service must be maintained in the view of the Association.

Furthermore, the Association notes that by Clause 50 of the Bill, s.5 of the Act is to be replaced by a section requiring all relevant matter in a legal proceeding to be recorded.

By the definition given to legal proceeding in s.4 of the Act, which is to include an Arbitration, the Association notes with concern that a legislative requirement that all relevant matter be recorded has the potential to significantly increase the cost to the parties involved.

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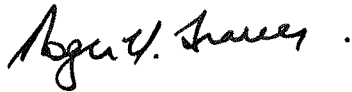
Whilst sub-section (4) permits the presiding person to direct that the proceeding not be recorded, the amendment represents a shift from the current legislative provision which is to the effect that a recording is only required if the person hearing the proceedings so directs.

The Association is of the opinion that, in relation to Arbitrations in particular, the parties should have greater control over the decision whether or not to record the proceedings under the Act, and that the retention of the existing legislative scheme in this respect better achieves that aim.

This is particularly the case given that by proposed sub-section (2), recording may be done (apparently, only) under arrangements with providers contracted to the Chief Executive, or by a public service employee. That is, the legislation appears to limit the choice of service providers available to parties to an Arbitration.

Whilst such a regime appears appropriate in the case of Court and Tribunal recordings, private dispute resolution mechanisms, as an Arbitration is, ought not be so constrained.

Yours faithfully

A handwritten signature in black ink, appearing to read "Roger N Traves", followed by a period.

Roger N Traves S.C.
President