



Speech by

Mr L. SPRINGBORG

MEMBER FOR WARWICK

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SUPREME COURT OF QUEENSLAND ACT AND ANOTHER ACT AMENDMENT BILL

Mr SPRINGBORG (Warwick—NPA) (10.12 p.m.): The Opposition will be supporting the Supreme Court of Queensland Act and Another Act Amendment Bill 1998. However, I would like to outline a couple of issues, but I will not be speaking for very long. I have put a couple of issues to the Attorney-General for clarification and assurance.

This Bill corrects a transitional issue that was overlooked when the Cremation Act was amended in 1996. After the Cremation Act 1913 was repealed, the necessary amendment then became part of the Coroners Act 1958. The problem was that we overlooked a transitional issue. Basically, that amendment brought in a new set of conditions for the issuing of a permission and certificate to cremate as of 1 December 1998. However, we overlooked the situation of what happened to people who die prior to 1 December 1998 and are to be cremated after 1 December 1998.

It would probably be reasonable for many members of this House to consider that that would be somewhat of a minor issue and something that we could potentially overlook. However, there was some concern from within the funeral industry and there was also some concern, as the Attorney-General is very much aware, that there may be potentially some issues of a legal nature that might have to be considered.

This amendment allows those people who die prior to 1 December 1998 to be cremated as if the legislation had not been amended in 1996. Basically, that overcomes that transitional problem and allays the concern that exists within the funeral industry. There will probably not be a lot of people who will die a couple of days before 1 December 1998 and actually be cremated after 1 December 1998. Nevertheless, it is an issue that the Parliament has a responsibility to address to allay that concern that exists within the funeral industry and to remove any potential illegalities. When the original legislation was amended and subsequently repealed, this matter was of a transitional nature and was very easy to overlook.

With regard to the new court rules and the new forms, on 29 September 1998 the Chief Justice wrote to the Attorney-General and asked for the Attorney-General and the Parliament to grant an extension for the existing rules. In discussions with the Attorney-General, we have agreed that that time should be extended to 30 June 1999. I understand that over the past couple of months the rules committee has been working very hard to try to bring this matter to fruition. The rules committee has almost formalised the new Criminal Practice Rules. However, we have a problem with the civil rules. The Chief Justice has indicated that the rules committee needs time until around about March next year before it will have concluded its work in that particular area. The Chief Justice has also indicated that there should then be a period of time for education—maybe extending the time for another couple of months—so that people have an opportunity to see the new rules and to be able to embrace them before they come into force. So through this legislation we have allowed that period for the existing criminal and civil rules to be extended to 30 June next year.

However, I would like to raise a couple of issues with the Attorney-General. I would like an assurance from him that he acted as soon as he possibly could when he got the letter from the Chief Justice on 29 September. I spoke to the Attorney-General probably about two weeks to three weeks ago—maybe slightly longer—about this matter, because it was an important issue.

I refer also to the issue of resourcing. I note that the Chief Justice indicates that the department has been very helpful with regard to resources for the committee as it is considering the new rules and bringing their formulation to a conclusion. However, I would like an assurance from the Attorney-General as well that all the necessary resources that could possibly be made available have been and are being made available so that the rules committee is able to complete its work.

This is a very, very important reform. I would like to pay tribute to the former Attorney-General, the honourable Denver Beanland, the member for Indooroopilly, for his work and foresight in this area. There is no doubt that for a long period we have had too many court rules and too many forms. When one considers the close nature of a lot of the issues that are dealt with by the various courts—the Magistrates, District and Supreme Courts—it was very, very important that we try to standardise as much as possible the rules of court with regard to criminal matters and also to civil matters.

To give honourable members some idea of the task, at the moment we have about 700 court rules or forms. When these new rules come into being, we should have about 90 in the civil area. I understand in the criminal area the number of rules and forms will fall from around about 491 to about 390. So I think this amendment is very, very important.

At the end of the day, our legal and judicial system will be a lot easier to understand, it will be a lot easier for our practitioners and it will be a lot easier for the people who come before our courts. For a long time our courts have been criticised and, for a long time, the Government has been criticised for making things a little bit too complicated and not moving with the expectations of the community. This amendment is a proactive measure by the Government to consolidate the process and to make the system a lot simpler. When one realises that the number of civil rules or forms has collapsed from 700 to about 90, one realises that that is a significant reform. I pay tribute to the former Attorney-General for his work and also acknowledge very much the work of the current Attorney-General in continuing with that work, because this is a very, very important area.

In conclusion, the Opposition has no hesitation in supporting this amendment Bill before the Parliament. It is important in relation to cremations and making sure that a transitional problem that was overlooked is addressed and in giving the rules committee the necessary time to make sure that the new criminal practice rules and the new civil court rules are in a proper form to be able to be presented around about 30 June next year. I commend the Bill to the House.
