



Speech by

**Hon. M. FOLEY**

**MEMBER FOR YERONGA**

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Hansard 18 November 1998

**SUPREME COURT OF QUEENSLAND ACT AND ANOTHER ACT AMENDMENT BILL**

**Hon. M. J. FOLEY** (Yeronga—ALP) (Attorney-General and Minister for Justice and Minister for The Arts) (10.30 p.m.), in reply: I thank the honourable members who have contributed to this debate. As honourable members have indicated, this Bill continues the operation of the Supreme Court Rules. In this respect, I acknowledge the contribution of the member for Indooroopilly in his former role as Attorney-General in seeking to pursue uniform court rules. This Government adopts a constructive approach and, where positive action has been taken by the previous Government, this Government will seek to be positive and constructive in continuing that work.

It is a worthwhile goal to try to achieve uniformity in the court rules amongst the Supreme, District and Magistrates Courts. This task is not without its difficulties. In particular, concerns have been expressed about whether having such uniform rules will unnecessarily formalise proceedings in the Magistrates Court. But with representatives of all levels of the courts system on the rules committee, one hopes that that can be overcome.

Although I have had occasion more than once to criticise the conduct of the previous Government and the actions of the former Attorney-General, I acknowledge the contribution of the former Attorney-General in this respect. That is evidenced by the approach that we adopted in Opposition whereby we did not oppose these particular aspects of the legislation, and we have continued that practice in Government.

I turn to the matters raised by the honourable member for Warwick. I can assure the honourable member that the Government acted promptly following receipt of the information. I might point out that in fact the letter from the Chief Justice was prompted by a letter from me in which I inquired ahead of time lest there be some problem which would descend upon us at the last minute. It was as a result of my inquiry that that letter came back and I then instructed the department to take the necessary steps to have material prepared and go through the Cabinet process to bring it forward to Parliament.

As to resourcing, I can also assure the honourable member that the department is being helpful to the rules committee. In fact, a senior officer of the department attends all rules committee meetings. As to the contribution of the member for Clayfield, I join with the honourable member in acknowledging the fine contribution of Chief Justice de Jersey to our system of law and, indeed, Chief Justice de Jersey's significant contribution in a wide range of areas.

The Bill before the Parliament is a straightforward matter. It fixes up a problem with the Supreme Court Rules. As to the observation of the member for Indooroopilly, there are some legal difficulties in introducing the Criminal Practice Rules ahead of the Civil Practice Rules. It is likely that they will both come into operation in the middle of the coming year.

**Mr Beanland** interjected.

**Mr FOLEY:** Yes, that is quite so. The Criminal Practice Rules are in a state in which they could be proceeded with at the end of this year. However, that gives rise to some other legal difficulties, and it is likely to be more prudent if they are both brought into operation as from 1 July 1999, as is contemplated by the extension given in this legislation. I acknowledge the contribution of my departmental officers in preparing this material and I thank them for that. I commend the Bill to the House.

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