



Speech by

JACK PAFF

MEMBER FOR IPSWICH WEST

Hansard 25 November 1999

STIPENDIARY MAGISTRATES AND OTHER ACTS AMENDMENT BILL

Mr PAFF (Ipswich West—ONP) (8.56 p.m.): I rise to speak on the Stipendiary Magistrates and Other Acts Amendment Bill. This Bill appears to create a better and fairer system for dealing with judicial transfers, so I will make only a few brief comments in relation to it. The media hype not that long ago about the transfer of Magistrate Jacqueline Payne is more than likely the main reason behind the Government's sudden desire to reform the transfer process. I notice that under this Bill magistrates appointed after 31 March 1999 will be able to seek review of transfers by the judicial committee. Magistrate Payne was appointed as a stipendiary magistrate on 1 April 1999. With no offence intended towards Ms Payne, I cannot help wondering whether the overplayed media hype and the Government's call to action has anything to do with the fact that Ms Payne was the first Aborigine to be appointed to the judiciary in Queensland. However, regardless of that, I believe that the establishment of the judicial committee is worth while, provided that the committee is comprised solely of judicial representatives, provided that the Chief Stipendiary Magistrate maintains the power to transfer magistrates and provided that the review process works both ways—for those seeking review against a transfer and those seeking review against a refusal of a request to transfer. This Bill appears to cater for all of the aforementioned points.

Given that the Bill gives the judicial committee a final determination that is conclusive and cannot be challenged, is not subject to review on any ground and that the committee has full and unfettered discretion to determine its own procedure whilst conducting a review, I question whether internal politics might interfere with the review process or whether the judicial committee might undermine the power and authority of the Chief Stipendiary Magistrate.

However, trying to cater for the emergence of internal politics or bias in legislation is almost impossible. One must assume that the Government has the stipendiary magistrates' support for the Bill. I am sure also that the members of the judicial committee will act in a responsible and independent manner while reviewing judicial transfers. I ask the Minister whether he intends to review the situation after a certain time to ensure that all parties are happy with the new transfer arrangements and to see whether any problems have arisen.

As I stated at the beginning of my speech, I believe that this Bill might make the judicial transfer system fairer by giving magistrates more input regarding transfer decisions. I have expressed a few concerns, although I believe generally that the Bill, if implemented, will deliver positive outcomes. It is clear from the Jacqueline Payne incident that judicial transfers—

Mr FOLEY: I rise to a point of order. I think it is out of order to make reference to individual judicial officers in that fashion. I would ask that the honourable member refrain from reference to individual holders of judicial office.

Mr PAFF: I rise to a point of order—

Mr DEPUTY SPEAKER (Mr Mickel): Order! I am ruling in favour of the Attorney-General on this occasion. The member should refrain from direct reference to a member of the judiciary.

Government members: The separation of powers.

Mr PAFF: I understand that. There is no insult intended to the Minister, nor the judiciary.

Mr DEPUTY SPEAKER: Order! The member will resume his seat. I would ask the member to talk in general terms, not in specific terms, about members of the judiciary.

Mr PAFF: I know a lot of magistrates and I have known them for a long, long time. I do not criticise the judiciary or the magistracy. I know some fine people who are magistrates and I know that they have had troubles with transfers over a long period. There is no intention on my behalf to insult those people. I believe that judicial transfers are a far bigger issue than is generally realised, and I would like to think that this Bill may address some of those anomalies.
