Speech by

Mr L. SPRINGBORG

MEMBER FOR WARWICK

Hansard 25 November 1999

JUSTICE LEGISLATION BILLS

Mr SPRINGBORG (Warwick—NPA) (Deputy Leader of the Opposition) (4.30 p.m.): This is a cognate debate and the Opposition will be supporting both pieces of legislation before the Parliament, the Justice Legislation (Miscellaneous Provisions) Bill (No. 2) 1999 and the Justice Legislation (Miscellaneous Provisions) Bill (No. 3) 1999. However, in the course of this debate we will point out some issues that I believe are of concern and, in fact, during the Committee stage I will be moving one amendment to the Justice Legislation (Miscellaneous Provisions) Bill (No. 2), which seeks to address some of the concerns of the Scrutiny of Legislation Committee.

This is the second of three departmental miscellaneous statute Bills that the Minister has introduced into the Chamber this year. Although almost all the proposals contained in this Bill are non-controversial and have bipartisan support, that does not mean that they do not raise serious policy issues. It is because this Bill deals with such a range of matters that I intend to spend some time discussing this initiative. Before doing so, I indicate again that the Opposition will be supporting this particular Bill, the Justice Legislation (Miscellaneous Provisions) Bill (No. 2). I will refer to the Justice Legislation (Miscellaneous Provisions) Bill (No. 3) a little later.

The first matter of note is the adoption of the recommendations of the Members' Ethics and Parliamentary Privileges Committee in report No. 28 that sections 56A and 56B of the Criminal Code be amended to rectify the current anomalies between the penalty provisions of sections 56A to 56C and, in doing so, by raising the maximum penalty for the offence of disturbing the House when Parliament is not sitting and the offence of going armed to Parliament House.

The genesis of these amendments was a serious incident involving the member for Chermside at his electorate office on the evening of 31 March 1998. The committee— and I am one of its members— identified three issues of concern. They were: apparent anomalies with respect to offences and penalties in sections 56, 56A and 56B of the Criminal Code and the specific offence of going armed to a member's office or residence and situations involving bomb hoaxes of similar incidents against members. With respect to the offence of going armed to a member's office or residence, the Attorney-General advised the committee that section 56A does not extend to disturbances at the office or residence of any MLA. Likewise, 56B is limited to the House, its grounds and any building on those grounds. However, the Attorney-General then advised—

> "Other offences are available under the Criminal Code—s.96 (Going armed so as to cause fear) and s.78 (Interfering with political liberty).
>
> That being so I see no reason to extend s.56B to going armed to a Member's office or residence."

The committee accepted that advice, but I ask the Minister to keep the matter under review. There is no doubt that a person who goes armed to a member's office is striking at the very heart of our system of Government. If politicians of whatever political persuasion are to be able to fearlessly put forward a point of view, look after their constituents and operate their offices openly so that electors can have access to them, then perhaps down the track we need to have another look at the statute.

Whenever a person tries to intimidate an MLA from doing their job, it is a matter of critical importance to the maintenance of our system of representative and parliamentary democracy. Having

an offence drafted specifically with the importance of having MLAs' electorate offices open to the public should be investigated further when the next major review of the Criminal Code is under way. I say again to the Attorney-General that I think that we should really be looking at this issue when we review the Criminal Code.

Alternatively, the Premier should consider amending the Legislative Assembly Act to achieve the same result. This was the statute that these provisions were to be inserted in had the ill-fated Criminal Code of 1995 become law.

The second advice that the committee received from the Attorney-General was that bomb hoaxes were now adequately covered by section 321A of the Criminal Code and by sections of the Commonwealth Crimes Act. Accordingly, no further action is necessary.

As to the discrepancy in penalties provided for in sections 56A and 56B, the Attorney-General agreed that the penalties should be increased from six months or a fine of $100 to a prison term of up to two years and a fine of 100 penalty units, or $7,500. I am pleased that this Bill gives effect to that undertaking, because it is surely untenable that a person who goes armed to Parliament House is liable only to six months' imprisonment but a person who commits any disorderly conduct in the immediate view and presence of the Assembly is liable to a three-year term. Having a situation where the more serious offence attracts the lesser penalty requires amendment, and this Bill will achieve that aim, or at least some of that aim.

Before turning to the next reform contained in the Bill, I would like to inform the House of the history behind the 1939 amendments to the Criminal Code that inserted sections 56A and 56B. In doing so, I will quote from Clem Lack's book Three Decades of Queensland Political History—

> "An extraordinary incident unique in Queensland Parliamentary history, and combining the elements of drama and farce, was a raid carried out by 37 men on a pre-sessional Caucus meeting of the Parliamentary Labor Party at Parliament House on the morning of 4 August 1939. The men who represented themselves as members of the League for Social Justice arrived at Parliament House in cars, and brushing alarmed messengers aside"—

and they were probably the precursors of our parliamentary attendants—

> "marched up the stairs of the main entrance. They forced their way into the old Legislative Council Chamber on the first floor where the Labor Caucus meeting was in the process of electing a new Minister.
>
> The intruders carried batons, coils of barbed wire and hammers, and wore on the lapels of their coats small discs bearing numbers and strips of green and blue ribbons.
>
> One messenger, describing the rush up the stairs, said that the leader, raising his baton, exclaimed, 'Out of the way, brother, and we won't do you any harm!' "

Mr Purcell: He said "brother", did he?

Mr SPRINGBORG: He certainly did. Mr Lack continues—

> "Astonished by the dramatic interruption of men brandishing batons, some bewildered Parliamentarians were at first under the impression that a sight-seeing party had taken the wrong turning. They realised their error when a tall man gave orders to his followers to encircle the room. The men took up their positions at the rear of the seats on which members of the Party were sitting.
>
> Members who attempted to rise to their feet were pushed back into their seats. One of them was the Treasurer, the late F.A. Cooper. Mystified, he turned to the man who pushed him and asked indignantly, 'Who are you—a detective?'
>
> The man did not reply.
>
> The leader shouted to the Parliamentarians, 'Keep your seats!'
>
> 'What do you mean by this?' demanded the Premier (Mr W Forgan Smith), rising from his chair at the head of the centre table.
>
> 'Sit down!' commanded the tall man.
>
> 'I refuse to be instructed by you!' retorted the Premier, whose demeanour was calm and determined throughout.
>
> Walking the length of the Chamber and standing in front of the man he exclaimed, 'What do you mean by this invasion of a meeting of the Labor Party assembled in Parliament House?'.
>
> 'You will know in a minute; our leader is coming,' the man in charge replied."

I will end my quoting from Mr Lack's account by informing honourable members, particularly those opposite, that the leader who was coming was not an adolescent Bill Ludwig or his immediate mentors of the AWU. However, I cannot deny categorically that the robust and direct tactics adopted by those 37 men were not some of the forthright tactics that are adopted by the AWU from time to time. In fact, the police arrived and the men were arrested.

The League for Social Justice was an obscure grouping of mostly farmers from various parts of south-east Queensland who were closely allied with the defunct Social Credit Party. The men were charged with disturbing the House. The trial was so large that it was held in the City Hall rather than the Supreme Court, as more than 600 jurymen were summonsed to be in attendance. As it turned out, the jury acquitted every single one of the men arrested. As a consequence, on 17 November the Premier of the day himself initiated a Bill to amend the Criminal Code to insert sections 56A and 56B to deal with the situation caused by the League of Social Justice.

It is appropriate that 60 years after those now-obscure events that we again look at these sections to see if they are appropriate to current needs. I am sure that in 1939 many MLAs did not have electorate offices in their electorates. As I understand it, electorate officers were not employed until the early 1970s. As I said a little while ago, I hope that this matter is kept under review because, as the 1939 incident at Parliament House and the 1998 incident at the electorate office of the member for Chermside highlight, this area of the law only seems to receive consideration after a problem has arisen. I say to the Honourable Attorney-General that a little more proactivity might be in order. That goes for all jurisdictions, because sometimes we tend to overlook some of the issues relating to the safety and security of members of Parliament and the assurances that they need to be able to carry out their jobs fearlessly and without favour.

The next series of amendments that I will comment on are those that increase penalties for the various offences against children under the Criminal Code. The first is the proposal to increase the maximum penalty for abducting a child under 16 years, which is dealt with by section 363A. Currently, the penalty is a totally inadequate two years' imprisonment and it is proposed to increase this to seven years.

As the Attorney-General said, the Court of Appeal highlighted the manifest inadequacy of the current penalty regime in 1997, in the decision of the Queen v. Weldon. The sentencing judge in the District Court, His Honour Judge Boyce, also commented on it. I have read the Court of Appeal decision in this case and I must say that it is abundantly clear that section 363A contains a manifestly inadequate penalty.

In essence, this case involved a 27 year old male sexual predator who took an impressionable 14 year old boy away from his family and consorted with him interstate between 1994 and 1996. During that time, the boy's parents and family searched frantically for him. Throughout that time, Weldon exposed the boy to an abhorrent lifestyle. Throughout that period, Weldon was aware that the boy's family were searching frantically for him. I will quote from the judgment of Mr Justice Davies, which highlights just what sort of an individual Weldon is and what sort of an offence he committed. Justice Davies stated—

> "It emerged that during this period the applicant was aware that the police and, of course, the complainant's parents were looking for him and the complainant and it seems likely he moved from place to place to avoid apprehension. After a local newspaper in Dubbo, where the family lived, had printed a story and photograph regarding the child's disappearance in March 1995, the applicant telephoned the child's mother and said, 'Don't you involve me or any of my family in any of this. You watch out for your back and watch out for your shop.'
>
> The child's parents went to considerable lengths to find their son, alerting police stations in Queensland and New South Wales, making numerous trips through New South Wales and Queensland, and making numerous appeals through the media. There can be no doubt of their immense anguish during this period."

The damage that this perverted criminal has done to the boy and his family cannot be imagined. When this person appealed against his two-year sentence, the Court of Appeal not only rejected it but the current Chief Justice made these comments in his capacity as one of the appeal judges—

> "Being realistic I think that the criminality involved in this offence warranted a substantially longer term than the two years which the Judge imposed, being the maximum available to him, and I am prepared to go so far as to express my own view that it would have warranted imprisonment of up to five to six years.
>
> I endorse the sentiments expressed by the sentencing Judge about the desirability of increasing the maximum attributed to this offence in the Criminal Code and serious consideration should be given to that."

It is obvious that the only reason that this person was not charged with a much more serious offence that would have carried a very substantial penalty was that there were problems with proving that certain crimes were committed. Despite that fact, it is a disturbing case that is made even more so by the final comments of the Chief Justice. He stated—

> "I would also take the opportunity to alert the parole authorities to what I would presently see as the desirability of the applicant serving substantially more than the ordinary one half of the term simply because of the gravity of the offence and the need through continued incarceration to impress on the applicant, and others, the complete unacceptability of this sort of conduct."

The fact that Weldon could have been released from jail after serving only one year for an offence of such gravity is eloquent testimony to the need for the penalty for his offence to be upgraded significantly. I am pleased to sincerely support this amendment. Furthermore, the proposal to change this offence from a misdemeanour to a crime, with the consequent effect that a person charged can be arrested without a warrant, is likewise supported. If we are to enable the police and the prosecuting authorities to deal properly with this offence, I believe that we need to send a message about penalties and also to facilitate proactive responses by our Police Service.

Likewise, I support the proposal to increase the penalty for cruelty to children under section 364 from five to seven years' imprisonment. Section 364 was inserted by 1997 amendments to the Code and was previously entitled "desertion of children". That, in turn, was a narrower offence and carried a penalty of only one year's imprisonment. Cruelty to children is a much wider offence. For the information of the House, I inform members that under this provision it is an offence for a person who, having the lawful care or charge of a child under 16 years of age, causes suffering to the child by: failing to provide the child with inadequate food, clothing, medical treatment, accommodation or care when it is available to the person from his or her own resources; failing to take all lawful steps to obtain adequate food, clothing, medical treatment, accommodation or care when it is not available to the person from his or her own resources; deserting the child; or leaving the child without means of support.

It is one of the more disturbing aspects of modern society that the incidence of serious offences against children seem to be increasing, or at least is receiving far greater publicity. I would appreciate it if, in his summing-up, the Attorney-General would inform the House whether this amendment is in response to any problems with inadequate sentences or whether the increase to seven years' imprisonment is to maintain a form of sentence parity with section 363A.

Clause 19 of the Bill inserts a new section 61 into the District Court Act that enlarges its criminal jurisdiction with respect to offences carrying a maximum penalty of more than 14 years. The District Court already has limited jurisdiction to deal with offences carrying a penalty in excess of 14 years. Indeed, over the past decade, the civil and criminal jurisdiction of the District Court has grown significantly. When the District Court Act came into force, the District Court had an absolute bar on dealing with offences having a penalty of more than 14 years' imprisonment. In fact, the original section 60 allowed the Governor in Council, by proclamation, to withdraw from the court either indefinitely or for a limited period any part of its relatively small criminal jurisdiction.

Obviously, as the years have gone by and the workload of all courts has increased, there has been a recognition by all Governments that both the Magistrates Court and the District Court can and should be able to have a greater jurisdiction. There is no doubt that the judges of the District Court are extremely well regarded and, quite rightly, a number of them have been elevated to the Supreme Court. Conversely, with the establishment of the Court of Appeal, the appellate work of the old Supreme Court is now being dealt with by a specialised full-time body of appeal judges with, of course, trial judges also participating. I would have no problems with any non-life imprisonment offences being transferred to the District Court.

Consequently, the proposed removal of section 317A—carrying or sending dangerous goods in a vehicle to the District Court—raises no policy issues. However, I do have reservations about the philosophy of transferring to the District Court the various riot related offences carrying life terms as well as various other life-term offences. The reservations that I have were mirrored by the Scrutiny of Legislation Committee in Alert Digests 7 and 8. In Alert Digest No. 8 this clause is referred to Parliament for its consideration. That is exactly what I intend to do. My concern has absolutely nothing to do with the capacity of the District Court to deal with these matters. In fact, it is far from it. I recognise that currently the District Court is empowered to deal with a limited range of offences which carry a life term, including rape, armed robbery, grievous bodily harm with intent, destroying or damaging an inhabited house or an aircraft and a few others.

In his letter to the Scrutiny of Legislation Committee of 12 July, the Minister indicated that this amendment was initiated by the Chief Justice on the basis that riot offences are no more complex or serious than other offences already within the jurisdiction of the District Court and that this would result in a rationalisation of court resources. The reasons advanced by the Attorney-General are obviously

significant, but there is a significant issue that needs to be considered very carefully by this Parliament. If the Supreme Court is to remain the criminal trial court of the most serious offences prescribed by this Parliament, a distinction needs to be drawn concerning the range of matters that should be dealt with by it and the District Court. Each time this Parliament devolves to the District Court offences carrying life terms, the less reason there is for the Supreme Court to remain as a criminal trial court.

I am not about to argue with the Chief Justice or any other members of the judiciary with respect to the administration of our judicial system, but it is incumbent on the Minister and this Parliament to consider the cumulative effect of incremental changes to the jurisdictions of the various courts and the logical results of those changes. Some may say that serious white-collar fraud crimes that carry far less than a life sentence are far more complex and from a societal point of view just as serious as some of the matters dealt with by the Supreme Court. None of this should be anything new to the Attorney-General. He practised as a barrister and he knows full well the implications of gradual changes to the jurisdictional goalposts.

Although very little turns on this particular jurisdictional change in terms of the number of people charged or the like, it is yet another change to the jurisdictional goalposts. If we are to continue to go down this path in miscellaneous statutes, before too long we will see a fundamental change in the jurisdiction of the courts without a proper debate about the future and structure of our courts. That is an important point that we, as legislators, should consider. This will be the last time that the Opposition will be comfortable with not having a significant debate about any further changes to either the criminal or civil jurisdictions of the superior courts. There may well be very good reason for individual changes, but the cumulative and overall effect of these must now be considered.

Since the Court of Appeal was created, there has been a change to the structure of our courts and, although that change has worked well, if there are to be further transfers downwards of work and responsibility, especially of a trial nature, we in this Parliament need to give careful and responsible consideration to the long-term implications and where this is heading.

Two amendments are proposed to the Bail Act. Their passage will have implications for another Bill that the Minister has introduced. The first of the amendments is purely technical and deals with endorsements on indictments. As the Explanatory Notes point out, this ties up the time of both the registry and the Office of the DPP. This amendment will assist in streamlining the process and doing away with a cumbersome and work diverting administrative exercise. It has our support.

The second issue concerns a defendant granted bail by the Supreme Court but appearing in the Magistrates Court. Currently, if bail is forfeited, the Magistrates Court cannot issue a warrant for apprehension, as the bail was granted by the Supreme Court. This amendment overcomes the necessity of having to take up the time of the Supreme Court to issue the warrant. Again, this amendment is sensible and it has our support. However, I point out that the Bail Act has remained fundamentally unchanged since it was first enacted in 1980. In the meantime, the Queensland Law Reform Commission issued a very significant report on this statute in 1993.

Irrespective of the merits of each and every single recommendation made by the commission, it is a fact that the bulk of those recommendations remain gathering dust. I acknowledge that since 1993 there have been some changes to the Act, most particularly by the Criminal Offence Victims Act 1995, which from memory was introduced by the current Attorney-General when he was last Attorney-General. I commend him for that. The Attorney-General can correct me if I am wrong, but the thrust of the commission's amendments are still not reflected in the statute law of this State. If I am wrong and the Attorney-General can demonstrate that during his summing-up, I will not proceed with a set of amendments that I am considering moving to address some of these concerns.

Nevertheless, I have carried out quite a bit of research, and it would appear that the law is in need of reform. It is incumbent on this Parliament to act a little more quickly than it has. It is not acceptable that significant reforms have gathered dust for more than six years. This Bill gives us an opportunity or sets the scene to move forward. I look forward to hearing what the Attorney-General has to say about the consequences of the recommendations of the 1993 report of the Law Reform Commission.

Another amendment which we support is clause 11, which clarifies the operation of section 552B of the Criminal Code. This section is in Chapter 58A, which was inserted in 1987, and deals specifically with indictable offences dealt with summarily. The Chapter very usefully bundled up the various provisions that allowed certain indictable offences to be dealt with summarily in one consolidated part. A problem exists with the wording of section 552B(1)(i). This paragraph enables the Magistrates Court to deal with an offence involving an assault if the assault is, amongst other things, without a circumstance of aggravation.

As the Explanatory Notes highlight, one unfortunate by-product of this change is that, in a significant number of cases, magistrates are declining to deal summarily with assault charges that they processed previously, with a consequent increase in work for the District Court. This has produced

backlogs, time blow-outs and increased court costs for the parties due to the need for a committal hearing and then a District Court trial. The Bill will amend section 552B by making it clear that magistrates can deal with charges under section 339(1), which is when a person unlawfully assaults another with bodily harm, with a maximum penalty of seven years' imprisonment. This amendment is sensible and has our support.

Likewise, the Opposition also supports the amendments to the Criminal Code which provide a power for a superior court to remit a summary matter back to the court exercising summary jurisdiction to be dealt with. We are not as supportive, though, of the proposed amendment to section 13A of the Penalties and Sentences Act. Section 13A deals with the situation where an offender has undertaken to cooperate with law enforcement agencies and the offender's sentence is to be reduced as a result. The existing provision requires that the court must, in closed court, deal with the fact that section 13A has been activated and indicate what sentence it would otherwise impose.

Even a cursory search of the Internet discloses numerous reported Queensland cases on the use of section 13A, including a number of Court of Appeal decisions. In the past year alone, there have been at least three reported Court of Appeal decisions on this section, including R v. Crossley, R v. Laycock and Stokes and R v. Banks. Perhaps the Attorney-General may have some recent statistics about the number of sentences reduced as a result of reliance on section 13A, but I would assume that there are quite a few.

The effect of this amendment is to give the court a power to restrict any publication of the fact that a sentence is being reduced under this section and to prohibit the publication of the name and address of any witness to the proceeding. The Explanatory Notes claim that there is a substantial problem with the current provision in that it raises concerns about the safety of the person being sentenced. Obviously any responsible person would be keen to ensure that a provision which facilitates the successful prosecution of offenders through the cooperation of other offenders and does not risk the life or safety of such a person or their family is kept relevant and in line with police needs.

What concerns me about this amendment is that there are already protections in place in section 13A. I firmly believe that there is a need for the community to be kept aware of the special deals being struck with criminals so that their sentence is reduced by reliance on section 13A. We are not opposing this amendment, but we do want to know exactly what problems have arisen. In particular, have there been any instances where a judge, having passed a sentence in closed court in the manner outlined in section 13A, has been reported by the press with consequent problems for criminal informers? I think that is a relevant point that should be clarified by the Attorney-General in his reply later on.

If this Parliament is to prevent the publication of deals struck with criminals who provide information on their fellow criminals, we should be satisfied that there is a problem, the magnitude of the problem, who has requested this reform and whether the way that the reform has been drafted adequately and fairly deals with the problems raised. I recognise that making a non-publication order is discretionary and that proposed subsection (9) sets out the matters that the judge has to have regard to. Furthermore, the matters to be considered are appropriate and do highlight the policy balancing that needs to occur. But having said that, a breach of a non-publication order can result in an offender being subject to five years' imprisonment when the order is made by a judge and three years' imprisonment when made by a magistrate.

These are draconian penalties. I congratulate the officers of the Department of Justice who prepared the Explanatory Notes for highlighting under the heading of "Fundamental legislative principles" this restriction on the liberty of the press and the justification for the measures. On the other hand, I find it quite surprising that the Scrutiny of Legislation Committee did not, in Alert Digest No. 7, even comment on this matter. A restriction on press freedom of this nature, even if justified as I think it is, deserves at least the bare minimum of scrutiny from a body set up to champion fundamental legislative principles. I was likewise surprised by the committee's lack of comment on various clauses in the Sugar Industry Bill which limit the freedom of political communication and most probably are unconstitutional. That is a matter that I raised in this Parliament previously.

In concluding on this point, I ask the Minister to deal in his reply with specific problems that have arisen to justify this potential restriction on the freedom of the press. The Bill contains quite a number of amendments to the Supreme Court of Queensland Act 1991. In particular, it inserts a number of provisions that deal with the non-attendance of persons to give evidence or produce documents after having been subpoenaed. The first issue concerns the wording of proposed section 93J, which deals with the attendance of corporations. The provision enables a warrant to be issued for the arrest of a named officer of the corporation and the detention in custody of that officer until released by the court.

Fortunately, to give credit to the Scrutiny of Legislation Committee, it has properly highlighted a potential problem with this clause. In Alert Digest No. 7, it states—

"An officer should only be subject to such serious penalties where the officer has personally been given an opportunity to comply with the subpoena or order on behalf of the corporation, and the officer is aware that the corporation has failed to comply with the subpoena or order."

The committee then makes this point—

"The relevant officer must be named in the warrant. However, the power to arrest or detain an officer does not appear to be limited to officers who were named in the subpoena or order."

The committee asked two questions of the Minister, namely, firstly, whether it is intended that the power to arrest and detain a named officer will only apply to an officer named in the subpoena and, secondly, whether subpoenas issued out of the Supreme Court registry and directed to a corporation are currently directed to the corporation itself or to a named officer of the corporation. The Minister wrote back to the committee and gave a very detailed explanation of how subpoenas directed to corporations operate. Due to the length of the Minister's response I will not read it, but I will quote from the conclusion of the committee as contained in Alert Digest No. 8. It states—

"The Minister's response indicates that by applying a combination of common law principles, the Civil Procedure Rules, and Court practice a warrant would only be issued for the arrest of an officer for failure to comply with a subpoena where

the officer was named in the original subpoena and it is proved that the subpoena was received by the person to whom it is addressed or the person has actual knowledge of it; or

in circumstances where the subpoena names the 'proper officer', it is established that the officer or director had actual knowledge of the subpoena.

The Committee is concerned that procedures which allow for the arrest of a named officer where a warrant has been issued to the 'proper officer' may not have sufficient regard to the rights and liberties of that officer. The committee notes that such a warrant would only be issued where it could be established that the officer had actual knowledge of the subpoena. However, in the committee's view this does not necessarily ensure that the officer had actual knowledge that he or she is obliged to comply with the subpoena.

Given that the consequences of the warrant are potentially extremely serious the committee considers that in order to have sufficient regard to the right and liberties of affected officers, it should be a requirement for the issue of a warrant of arrest that the officer named in the warrant was personally named in the subpoena."

The committee has recommended that proposed section 93J be amended to reflect the proposition, and I believe that the view very properly put by the committee should receive this Parliament's endorsement. Accordingly, I will be moving an amendment to this during the Committee stage.

Mr Foley: We will accept it.

Mr SPRINGBORG: I acknowledge the Attorney-General's indication at the beginning of my contribution and now that he has considered what I have put forward. I thank him very much for the courteous way that he has responded to my representations on this particular point and for accepting the reasons put forward by the committee. I thank him very much for that.

In conclusion, the Opposition does have pleasure in supporting the Justice Legislation (Miscellaneous Provisions) Bill (No. 2) 1999. I now wish to speak for not as long on the Justice Legislation (Miscellaneous Provisions) Bill (No. 3). The Opposition supports this Bill and I will not take up much of the time of the House in dealing with it. As the Scrutiny of Legislation Committee pointed out in Alert Digest No. 11, the bulk of the amendments in this Bill are technical in nature and raise no issues concerning fundamental legislative principles. I might add that they also raised no questions of significant public policy—at least from a party political viewpoint.

The Bill amends three Acts—the Bail Act 1980, the Justices Act 1886 and the Penalties and Sentences Act 1992. The first amendment I will comment on is that to the Justices Act. It seeks to ensure that compensation, restitution and damages payable to a victim are discharged first in those cases where a penalty is only part paid. This amendment comports with clauses contained in another Bill before the House, so at this stage all I will say is that any legislative move aimed at recognising the needs of victims of crime will always have the support of the coalition.

The Bill also amends the Bail Act to enable a warrant of apprehension to issue where a person leaves the court without entering into the necessary undertaking or signing the necessary undertaking documents. In so far as the Bill is aimed at ensuring that the Police Service has appropriate authority and powers to ensure that people released on bail meet the first and fundamental obligation they have

to meet—that is, formally entering into the undertaking that led to the bail being granted in the first place—the coalition supports it.

The second of the amendments relates to the circumstances in which matters have been transmitted to a higher court and also to where, once having been transmitted, the higher court decides to return the proceedings to the court of summary jurisdiction. Again, the amendments are technical and in part consequential on amendments contained in Justice Legislation (Miscellaneous Provisions) Bill (No. 2) 1999, which I have already spoken on.

Finally, there are some small amendments to the Penalties and Sentences Act which will amend the definition of "proper officer" and clarify the position where part payments are accepted after a warrant has been issued but not executed. Again, from my reading there are no issues of policy that warrant debate and we support these proposals as well. When the Attorney-General introduced the Bill, he said—

> "The amendments made by this Bill were identified during the business process design phase of the courts modernisation project, CMP. The CMP is a major upgrade and replacement of this department's technology infrastructure. It will automate many court processes presently performed manually. It will facilitate the movement of documents and the exchange of information within the department and between other Government agencies instead of in paper form. Generally, these amendments are sought to simplify current requirements of the legislation and allow for the performance of these requirements electronically."

It goes without saying that the Opposition supports the courts modernisation project, as Labor inherited it in its present form from the coalition.

In last year's Ministerial Portfolio Statements for the Attorney-General and Minister for Justice, one of the key initiatives is as follows—

> "The Courts Modernisation Project will further extend the courts computerised information system and support significant efficiency and effectiveness improvements in the courts."

Page 1-10 of that Ministerial Portfolio Statements indicates that an additional $4.2m was to be allocated in the 1998-99 budget for the project and that as part of it a production server and other computer equipment was being purchased at an estimated cost of $4.1m. Of course, we had no objection to that because the very same document disclosed that in the 1997-98 budget an additional $2m from internal funds was in fact allocated to the project. The initial point I make is that the project has been under way for some time and a lot of money, time and effort has been expended.

As this Bill illustrates, the implications of the project for the administration of justice are real and significant. Nevertheless, this brings me to the Ministerial Portfolio Statements of the Attorney-General for this year's Budget. Due to the paucity of information which was supplied in answer to questions on notice submitted before the Estimates committee hearing, much of the time of the hearing was taken up with questions regarding other matters. It is not that the time was wasted, but I think it was important that we got to some other issues.

Page 1-42 of this year's Ministerial Portfolio Statements states that one of the key capital acquisition projects for this financial year is "continuing the Courts Modernisation Project by completing the development and installation of the Queensland Wide Interlinked Courts System (QWIC) application". That is all well and good, but when I look at the facing page, which is headed "Departmental capital acquisition statement", I see a statistic which I find a little troubling. For the courts modernisation project we see that $14,104,000 was budgeted in 1998-99, yet only $7,832,000 was expended. Only $5,793,000 is budgeted for in this financial year. I understand that there were some technical issues involved with some of those problems.

When we look for the reason that this critical project was underspent by more than $6m, we find the following explanation in footnote 6: "The application design phase of the Project has taken longer than anticipated." That is what I was alluding to. I would like the Attorney-General to give an assurance that he and his department are giving this critical project the priority that it deserves. Certainly it looks as though this matter has been allowed to meander along with very little precedence being given to it.

It is no use the Attorney-General coming into the House with legislation designed to facilitate a critical information technology initiative when the very initiative is lagging behind. Last year alone, almost half the budget was not spent because the design phase took longer than anticipated. I understand that not all of those issues are necessarily in the Attorney-General's hands, but it is important that he maintains a strong interactive overseeing role.

One does not have to be a mathematical genius to work out that last year the project was around $6.3m underspent, while this year the project has been allocated only $5.8m. In short, not only has not one cent of new money been allocated to this project this financial year; around half a million dollars has been taken out of it. Is this because the initial estimate was inaccurate or exaggerated, is it

because this project is being wound back due to the lack of funds being allocated by Government to the Department of Justice, or is it because of competing priorities? I would like to know exactly where this project stands and why it appears to be stalling and could even be going backwards.

As I said at the outset, the Opposition supports this Bill. We support the courts modernisation project; however, the figures from last year's Budget raise a series of troubling questions which require direct answers from the Attorney-General. I think the Bill is a very important one, and these other issues are ones we can talk about well into the future. The coalition has pleasure in supporting Justice Legislation (Miscellaneous Provisions) Bill (No. 3) 1999, complementing our support of Justice Legislation (Miscellaneous Provisions) Bill (No. 2) 1999.