



Speech by

Mr. R. CONNOR

MEMBER FOR NERANG

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TRAINING AND EMPLOYMENT BILL

Mr CONNOR (Nerang—LP) (4.49 p.m.): I rise to speak on the Training and Employment Bill and in particular about training for justices of the peace, or JPs. Many people do not realise the important role that JPs and commissioners for declarations play in the Queensland community—everything from witnessing documents, statutory declarations, to wills and summonses. When witnessing documents they play a very important role for the community generally and also in respect of commercial transactions. When signing summonses and associated police documents they play a very important role in the administration of the State. It is not unusual for JPs to be pulled out of bed in the early hours of the morning by police who need their services urgently. In effect, they are unpaid public servants and most JPs happily provide this service, feeling a sense of pride in the community and their support for our community.

In talking to numerous JPs in recent months, I have yet to find any commissioner for declarations or the original JPs or JPs (Qualified) who have opposed appropriate training requirements and the qualifications associated with them. There is no denying that legislation and the required knowledge for JPs has escalated as the administration of the State has become more complicated. I believe the JP qualification and the training gives a sense of relief to many JPs in that they can better understand what their roles and duties are.

At present the decision to undertake training to upgrade to a JP (Qualified) is very much a voluntary one for existing JPs. Until 1 July it is very much a voluntary decision. Many existing JPs have seen fit to undertake this training voluntarily. But as of 1 July this year the voluntary status of this training will change dramatically. In effect, as of 1 July the traditional JP will be downgraded to a commissioner for declarations. Some of the powers that they enjoy currently will be stripped from them unless they undertake this training. Yet in spite of facing this reduction in powers and responsibilities, I have yet to hear any existing JPs complain or say that training is unnecessary. What I do hear are complaints that, because it has become compulsory, more consideration should be given to the costs of that training and the administrative costs of upgrading.

Members will know that the TAFE training normally costs approximately \$150. Currently, it is \$25, reflecting some acknowledgment of that fact. The administrative cost of the upgrade is \$29. I agree that there is a real argument that, if this training and administrative cost becomes compulsory for existing JPs in order to retain their powers and responsibilities, as in effect unpaid public servants they should be entitled to have this training and the associated administrative charge waived in full. The argument, of course, is that when paid public servants upgrade their skills it is usually free if it is done internally and heavily subsidised if it is done externally. What is more, that training is often recognised with a promotion and a higher rate of pay.

As volunteers, JPs do not receive that reward and yet the Government expects them to pay extra for the privilege of serving the community voluntarily. A pamphlet distributed recently at JP meetings by the Department of Justice states—

"If you were appointed before 1 November 1991 and have not yet changed your office, you should be aware that you will automatically become a Justice of the Peace (Commissioner for Declarations) after 30 June 2000. It means that although you retain the title of JP, but with the suffix of C.dec, you will lose a number of the powers you currently have. These powers

relate mainly to the issue of warrant or summonses, and to authority to sit on the bench and conduct any court related procedures."

It continues—

"Basically, if you remain a JP appointed under the previous JP legislation, then, come 1 July 2000, your powers and duties will become the same as those of a C.dec. So from that date on, your powers will be limited to witnessing documents."

Clearly, these changes mean that they must undertake training and pay TAFE an administrative fee to retain their existing powers and responsibilities. Why should JPs, who may have had that qualification for 20 or 30 years or more, have to pay simply to retain the powers they currently have? If the Government has decided that they need to upgrade their training to retain the skills to perform a community service, and if they have to train for and sit a compulsory exam, surely the Government should be fully subsidising it—that is, paying for it totally—and surely the JP should not be made to pay the \$29 transfer fee.

One should also remember that many JPs have stationery or signs to reflect their position. They will necessarily incur additional costs as a result of these changes to their stationery and signs. The JPs are not suggesting that the Government should pay all of these costs, but certainly the Government should at least be paying some of the costs. I believe JPs generally accept the fact that, if they have printed stationery, they will pay the cost of changing or upgrading it. However, the Government should be paying at least some of the associated costs, such as the training and administrative costs. Clearly, that \$29 charge should be waived and the cost of the TAFE course should be fully subsidised.

One should also consider that many JPs are pensioners, low income earners or self-funded retirees. There should be some consideration for people on low incomes in relation to any associated payments, especially ones that are effectively compulsory. There is a real argument that, if the Government is not prepared to see its way clear to fully subsidise the TAFE courses and administrative costs, surely the pensioners—the ones who can least afford it—should at least be considered. It should be waived.

One should remember also that, as of 1 July, if insufficient numbers of JPs upgrade their skills and revert to commissioners for declarations they will not be in a position to assist police and the Government by signing warrants and summonses. One should not underestimate the importance of the ready availability of JPs to sign these documents, and any shortage could cause major problems for operational police in carrying out their duties.

There is also an argument that the Minister should postpone these changes until after the Law Reform Commission, which is currently reviewing the matter, brings down its report. As I understand it, the then Minister for Justice and Attorney-General, Denver Beanland, postponed these changes when in Government and then referred this matter to the Law Reform Commission for a complete review of the situation. I have little doubt that those findings will support the need for training. But I suggest also that they will support, on the basis that these people are performing a very important community service, full subsidies, including the administrative charge.

Recently, I received a letter from a Mr Joe Zerafa, who has already paid for his training and upgraded to a JP (Qualified). He spoke on behalf of many other JPs who have not yet done their course. He made a very good point. His letter, dated 13 May this year, stated—

"The Question I ask ...

"When a Public Servant is transferred from one department to another department, who pays the cost of the transfer, the Public Servant or the Public Service?" (Cost of Stationery, Business Cards, Signage, ETC)"

His point is very relevant. If we fully acknowledge—and I think this has been acknowledged in departmental literature—that these people effectively play the role of unpaid public servants, the costs associated with doing their job for the community should be recognised.

Mr Zerafa goes on further to say—and I think this is very relevant—

"In fact 97-99% of my JP duties are for the Police, and are performed in the odd hours."

Mr Zerafa works shiftwork and, as such, is readily available to the police to sign their summonses and warrants for them at all hours of the day. He is called upon to do this job, one that cannot be done by any other resource. It is a very important part of the law and order system and the administration of the State. He is there. As he said, he paid \$125 for the course in 1989, and he is not objecting to that. But he is saying that the ones who are forced to now change their qualification and do this training should be fully subsidised and certainly some consideration should be given for the administrative costs. I believe that there is no justification for charging low income earners, especially pensioners, for this additional training.

