



Speech by

HOWARD HOBBS

MEMBER FOR WARREGO

Hansard 11 November 2003

MAGISTRATES AMENDMENT BILL

Mr HOBBS (Warrego—NPA) (5.53 p.m.): I am pleased to speak to the Magistrates Amendment Bill. I wish to raise a number of issues. As the previous member and the minister said, the magistracy is the coalface of the Queensland justice system. In 1991, when the Magistrates Act was passed by the Goss government, a lot of changes were made. As the minister said, it was made into a more professional organisation. Those changes to the court system basically took them from the Public Service to an independent judicial system.

Magistrates come from diverse backgrounds. Importantly, we probably did not recognise this earlier enough and were probably not quick enough to pick up on that. A wide range of people now hold those positions. There has always been a lot of debate in relation to the appropriateness of those appointments. I do not think there has been enough emphasis on merit in this area, and I think the former Minister, Mr Foley, has a lot to answer for in relation to this matter. The amendments will enable—

Mr Shine: Rubbish.

Mr HOBBS: This is a very important point. These amendments will enable all magistrates to have a much greater say in the administration of the court and to foster a sense of shared ownership about the direction and reputation of the court. This is good insofar as ownership is good, but responsibility comes with these privileges. That is particularly important. I take the interjection of the member for Toowoomba North. Were we to talk to any of the magistrates out there now, most of them would agree with that point, particularly following recent events. We now have the dubious honour of being the only state in Australia to have its Chief Magistrate in jail. I rest my case. I do not think the member opposite has any argument in saying there are not problems in that area. This all comes back to the social engineering put in place by that former minister and by this Labor government.

Mr Shine: Gross rubbish.

Mr HOBBS: The Chief Magistrate is in jail. I rest my case. The most significant initiative is the establishment of a Court Governance Advisory Committee. This is good. We have made some changes but, as I said before, we have had some problems and we did not pick them up quickly enough and it has all blown up in our face. As a consequence of that, we ended up with the Chief Magistrate in jail. This new Court Governance Advisory Committee will allow for the placement of magistrates throughout Queensland. It will also ensure the process for making decisions regarding the transfer of magistrates is transparent and more inclusive. Once again, this responsibility is a new privilege that has been given, and responsibilities go with that as well. The main problem in relation to this often is the appointment to regional areas.

One of the things that has to be provided—and it has not been addressed entirely, although the conditions are not too bad—is good packages for people who go to provincial, regional and rural areas. They have to have good housing and adequate education and health facilities. We must make sure that these people are comfortable. We want the best people doing the best job.

Expressions of interest will usually be called for transfers. Where no expressions of interest are received, magistrates who have not served in a regional area will be a priority for transfer. Once again, once the rules are understood, people will accept them. They did in the past. Everybody knew in the Public Service that they had to do rural service, and it was accepted. They did it. They did a magnificent job. Many wanted to come back, but quite a few went out there, stayed and retired there.

Mr Shine: What did you do wrong?

Mr HOBBS: I was born out there. I do not mind. I have not got any worries about the bush. That is the way it is. People tend to get into a community and enjoy living there. Some people can take it in rural areas and others cannot. We have to have a flexible system that suits everybody.

There are a number of issues with this legislation. Amendments make it clear that the Chief Magistrate is not bound by recommendations of the advisory committee. Further, there is no review of a transfer decision made in accordance with the recommendation of the advisory committee; there are no rights of review. I wonder whether we could not use this in some of the other departments. The Police Service is a good example. I can recall a case involving a transfer from one of the towns in my electorate. It took three to four years before this fellow was finally transferred. He had appeals, and it was quite extraordinary. I think if this works okay in this area we ought to look at it across the board.

Where a Chief Magistrate rejects a recommendation of the committee, the decision may be reviewed by the Supreme Court. However, the grounds for review are limited to denial of procedural fairness or the decision is manifestly unreasonable. With those few comments, I commend the bill to the House.