



Speech by

John-Paul Langbroek

MEMBER FOR SURFERS PARADISE

Hansard Thursday, 29 September 2005

VEXATIOUS PROCEEDINGS BILL

Mr LANGBROEK (Surfers Paradise—Lib) (5.00 pm): I will probably not speak with the same alacrity and enthusiasm as the member for Nicklin, but I do congratulate the Attorney-General. I was just saying to the member for Toowoomba North that perhaps he may consider bringing in a vexatious constituents act, not that we have any in Surfers Paradise!

Mrs Lavarch: So you would never be a vexatious constituent?

Mr LANGBROEK: No, exactly; that is right. I am pleased to rise to speak on the Vexatious Proceedings Bill, and in doing so I want to join with my colleagues in supporting this legislation. I want to speak briefly on two points regarding this legislation: firstly, generally on vexatious proceedings and their effect on the courts and the court system; and, secondly, on the modernisation aspect of this legislation. Vexatious proceedings are an unwanted and unnecessary component of the clog that makes the court system inefficient. Such an abuse of the court's time is ridiculous and it puts undue stress on staff and the court and in many cases it clogs up precious resources—the most precious of which is time—on matters that have little or no reasonable grounds.

There have been some classic vexatious proceedings that I have read about over the course of looking over this bill. My favourite one, of course, is the one that I think the member for Toowoomba North mentioned—that is, the case of Alan Skyring bringing before the Supreme Court the issue of whether or not pieces of Queensland legislation are legal under the Magna Carta. This is the type of proceeding that needs to be stopped. However, as always—and under our system it is a given—every person has a right to be heard before the law and everyone has a right to access justice. It is only in the most vexatious of circumstances, to use the language of the bill, that a person should be denied this right, and this can occur after a series of matters that a person brings that have little or no reasonable grounds.

The definition of a vexatious proceeding provides us with a great scope for determining exactly the beast that we are dealing with here. A vexatious proceeding is one that is an abuse of the tribunal's process—a matter that is instituted simply to annoy or to cause delay for a wrongful purpose, and this could be for a whole range of reasons. It could be to annoy the court, it could be to harass or upset another party or it may be for no apparent reason at all. It is a matter that is instituted without reasonable grounds, and this is here as part of a set of criteria, because on its own there is a range of proceedings that could not have any reasonable grounds but may have some grounds or at least comprehensible grounds—something that some vexatious proceedings cannot lay claim to. All of this is considered in the determination of a vexatious proceedings order. I am pleased to support a piece of legislation that improves the courts' efficiency.

The other very good aspect of this bill is the modernisation of the current provisions. This bill brings Queensland into line with a national standard of dealing with vexatious proceedings, and this is wonderful because this prevents those vexatious and annoying litigants from hopping jurisdictions looking for a more favourable outcome. The provisions also allow for not just the Attorney-General but a range of other people who are in a good position to do so, including the court itself—to make an application for a vexatious proceeding. I look forward to the ridiculous cases that we have seen in some courts reducing as a result of this legislation. I commend the Attorney-General again on bringing this legislation forward. I commend the bill to the House.