



Speech by

Robert Messenger

MEMBER FOR BURNETT

Hansard Wednesday, 22 August 2007

JUSTICE AND OTHER LEGISLATION AMENDMENT BILL

Mr MESSENGER (Burnett—NPA) (3.50 pm): The Justice and Other Legislation Amendment Bill contains far too many major changes in an attempt to fix the government's failure to adequately forward plan. The Queensland coalition has a number of concerns with this bill and therefore will not be supporting the bill. The majority of those concerns were eloquently stated to this House by my coalition colleague the shadow Attorney-General, Mr McArdle. I note that the bill aims to make amendments to 32 different acts which range through a number of areas that have been stated previously, including the Magistrates Act, the Bail Act and the Births, Deaths and Marriages Registration Act 2003. I am very happy that this bill gives me an opportunity to speak across a range of different subjects.

The Queensland coalition is particularly concerned that the bill proposes to introduce the position of judicial registrars in Queensland's Magistrates Court as has been implemented in Victoria. The aim is that these judicial registrars would hear the less complicated or more procedural matters—such as minor debt claims, civil chamber applications, domestic violence matters, adjournments and bail applications where the prosecution does not oppose the granting of bail—and that this would divert significant time and resources away from Queensland's busiest courts, potentially decreasing the heavy backlog of this court.

It sounds very good on the surface but will the introduction of these judicial registrars actually greatly minimise the current court burden? For example, matters considered to be minor and uncomplicated heard by a judicial registrar could in fact turn out to be more complex than originally thought, which would mean of course that the matter would then be adjourned and need to be heard before a magistrate anyway. How is this going to free up the Magistrates Court if this circumstance becomes a regular occurrence? I would imagine there would be many cases which require in-depth consideration. Clearly, this move is just another Beattie Labor government attempt to be seen to be doing something to fix the problem while not actually addressing the real issue of the inadequate resourcing of court facilities in Queensland.

It is worth noting that these proposed judicial registrar positions are to exist for just two years through its pilot program, indicating that they are simply a temporary solution to what is, as has been acknowledged here, a long-term problem. It is completely incomprehensible that, while this section of the bill seeks to introduce the position of judicial registrars into Queensland's Magistrates Court, this government turns around and wants through further amendments to abolish the position of judicial registrars in the Supreme Court of Queensland 'owing to the positions not being utilised'. If this government is acknowledging the positions of judicial registrars in the Supreme Court are obsolete and unnecessary and therefore need to be abolished, why then does it feel it is necessary to have this position at the Queensland magistrate level? I do not see how the government can justify introducing this position into our Magistrates Court system when it already has been proven to be unnecessary at the Supreme Court level.

The Queensland coalition is also concerned with the amendments in the bill that introduce the ability to make bail applications via telephone, radio or other means of communications. Potentially facilitating bail applications by telecommunications could quite possibly further lower the threshold of bail and create the perception that it is not a serious court process.

The bill also aims to abolish a fundamental part of the doctrine of separation of powers—the judicial review—through amendments to the Judicial Review Act 1991. This is particularly concerning as the judicial review and other administrative appeals are an essential process in the democratic systems of government. In fact, the doctrine of separation of powers promotes the ideal that the three branches of government—the legislative, executive and judiciary—should operate as independent bodies, each independently subjected to the review and scrutiny of the other. Without judicial review, the legislative and executive branches in fact would avoid the checks and balances, the scrutiny that administrative appeals actions provide, ultimately leaving it wide open for abuse.

I also have a few concerns regarding amendments to the Births, Deaths and Marriages Registration Act 2003. The first is with regard to the amendment that means that only one parent is required to sign a child's application for registration of their birth where the registrar is satisfied that it is appropriate that only one parent signs, such as in domestic violence situations. This is a reasonable concern that it is not specified what evidence the registrar will need in order to be satisfied that only one parent needs to sign. There needs to be more clarification on this clause, and I look forward to that clarification from the minister.

The bill also seeks to facilitate the online registration of marriages and deaths by marriage celebrants and funeral directors respectively. Despite access to documents and their lodgement being password protected, as is the case with all online activity, there is a risk that electronic lodgement could be more vulnerable to abuse. We do not have to look far to find examples of online abuse. My own personal experience with some online web site polls demonstrates just how easily web sites can be hacked into and manipulated. It is also relevant to raise the concern that both amendments could quite possibly be open to abuse by persons or organisations involved in terrorism and identity fraud.

There are a number of other acts that are amended within this bill, including the Drugs Misuse Act 1986, the Corrective Services Act 2006, the Penalties and Sentences Act 1992 and the Mental Health Act 2000. We have heard other members speak about the drug situation in Queensland, and I would like to comment broadly and briefly on the situation that exists now. It is right that we are concerned about the drug situation in Queensland because we have one of the highest usages of methamphetamine in the country. The recent crime statistics provided by the Australian Crime Commission showed that more than 40 per cent of all the discoveries of drug labs in Australia were in Queensland. Similarly, the statistics showed that about 44 per cent of all usage of marijuana happens in Queensland. The statistic is similar for the use of methamphetamine—that is, a percentage in the 40s—and the number of people caught dealing methamphetamine.

So it is right that we should have government policies; indeed, it is up to the opposition to also present positive policies which will find solutions to this drug issue. We have put forward a private member's bill which I hope will help decrease the amount of drugs on the street, but that is not the silver bullet. We need a holistic approach to the whole question of drug use, including properly educating our children on the dangers of using drugs. Once again, I say that I am a great advocate of Life Education and I would like to see government funding given to that institution.

As well as that, we need education on the threat that drugs pose to our children. Recently at home we heard about syringes being found in playgrounds and schoolyards. It has to concern parents that their children are exposed to those risks. About a year ago I spoke to a group of parents who call themselves POTY, parents of troubled youth. These parents had a very, very sad tale to tell. They spoke about the problems they have with the Mental Health Act. If their child was addicted to drugs, they found it very difficult to get help through the public mental health system within Queensland. To a person everyone told of almost the same difficulties. They would present to mental health trying to get help for their children as the drugs that the children were using often exacerbated and increased their mental health illnesses. They were really looking for a solution from this government and the opposition on how to combat that.

One conversation I had with a parent sticks clearly in my mind. The lady said that the night she got the phone call from the police to say that her 17-year-old son was in jail was the night she had her first decent night's sleep, because she knew she was not going to get a phone call to say that he was dead in a gutter with a needle in his arm. She had presented her son to Queensland mental health seeking help, but I found out subsequently that parents of Queensland children have very little rights when it comes to detoxing their children. There is no legislation which allows parents to involuntarily detox their children. I think we should address this situation. As well as providing a legislative solution to involuntary detox, we need to look at building within every region public facilities that enable the detoxing of those children. I believe there are really only three or four places in Queensland, and they are mostly provided by private organisations such as the Salvation Army, that allow for the detoxification of children.

The other issue I would briefly like to touch on is covered by the amendments to the Industrial Relations Act. I know that other members have spoken about industrial relations. It is page 43, clause 87 of the bill. I have one message to federal public service workers and employees. If they really want to gain an understanding of what it would be like to have a Labor government as an employer, just ask any public servant in Queensland. Ask the police officers, the nurses, the child safety workers, the prison officers and the teachers what sorts of conditions and resourcing levels they are being forced to work under. The first

thing that a Labor government will do is casualise the workforce, because immediately there is a way of controlling the workforce, keeping them half-hungry.

Government members interjected.

Mr MESSENGER: I have done studies. The statistics show that there is a high rate of casualisation within the Queensland Public Service. One comment which I will repeat again is that Toni Hoffman said to me if you are a nurse—

Mr DEPUTY SPEAKER: Order! Member for Burnett, can you please direct your comments to the provisions in the bill.

Mr MESSENGER: The provision I am directing my comments to is the amendment of the Industrial Relations Act on page 43 of the bill. I am talking about that.

Mr DEPUTY SPEAKER: Member for Burnett, the amendment of the Industrial Relations Act seems to refer to the Judges (Pensions and Long Leave) Act.

A government member: Why don't you read the bill?

Mr MESSENGER: It is clause 5 of the Anti-Discrimination Act. Also, section 15 of that act refers to the Governor in Council.

A government member: Why didn't you read it first?

Mr MESSENGER: I understand that this Labor government does not like bad publicity and does not like any dissenting voices. It bullies and unfairly dismisses public servants, it threatens to throw people in jail and it only promotes people if they follow the party line. I have spoken to many teachers about that.

Mr Shine: What clause was that?

Mr MESSENGER: That came back to the amendment of the Industrial Relations Act. I thought the Industrial Relations Act might relate to workers, but maybe I was mistaken. Maybe the minister can further advise me in his closing remarks.

In closing, I want to congratulate the shadow Attorney-General for establishing the fact that there is a crisis in the funding and resourcing of our justice system. He comprehensively proved that point. When compared with other states, we have escalating numbers in civil and criminal courts. This crisis can be found in other departments. The Labor government has been forced to play catch-up. Its energies are devoted to crisis management in so many different areas, water being just one example. Successive Labor governments built only one dam, while conservative governments built 12 major water infrastructures. Now money that could be spent on the justice system, the health system, the education system and the police system is being reserved for dud projects like Traveston Dam, which is going to cost probably \$10 billion if it ever is built, and I hope it is not.

This government is extorting cash from Queenslanders wherever it can by increasing fees and charges. We only have to look at the papers. Gas has increased by, I think, 400 per cent, as has registration and stamp duties. The government is delaying or cancelling projects because it is going broke. There will be \$53 billion worth of debt in the next three to four years. In closing, I congratulate the shadow Attorney for putting forward a very good case not to support this legislation.