



Speech by

Hon. Cameron Dick

MEMBER FOR GREENSLOPES

Hansard Tuesday, 19 May 2009

QUEENSLAND CIVIL AND ADMINISTRATIVE TRIBUNAL (JURISDICTION PROVISIONS) AMENDMENT BILL

Second Reading

Hon. CR DICK (Greenslopes—ALP) (Attorney-General and Minister for Industrial Relations)
(8.15 pm): I move—

That the bill be now read a second time.

This bill is to be debated as a cognate bill with the Queensland Civil and Administrative Tribunal Bill 2009, which establishes the Queensland Civil and Administrative Tribunal. To obtain a comprehensive understanding of the reforms undertaken to establish QCAT, this bill should be read in conjunction with the QCAT Bill.

In my second reading speech for the QCAT Bill I outlined the key features of QCAT, including the procedures and membership requirements for the new tribunal. As I indicated in my speech introducing the QCAT Bill, this bill amends 216 pieces of legislation to give QCAT jurisdiction for a wide range of matters. The jurisdiction that is conferred on QCAT by this bill is in line with the recommendations of the independent expert panel that was appointed to advise government about implementing the new tribunal. This bill gives QCAT jurisdiction for matters to be heard in the original, review and appeal jurisdiction of the tribunal.

Examples of the jurisdiction conferred in this bill for QCAT's original jurisdiction include guardianship and discrimination matters, civil disputes such as building disputes, disputes between residents and owners of residential parks and retail or residential tenancy disputes. The bill also gives QCAT jurisdiction to decide applications by regulatory bodies for disciplinary orders against members of particular professions, vocations or occupations.

Under this bill QCAT, in its review jurisdiction, can decide applications for reviews of administrative decisions of government agencies and statutory authorities ranging from licensing, registration or accreditation decisions relating to liquor, gaming, the provision of community and educational services and a broad range of activities and occupations. Other administrative decisions that QCAT may review include decisions about children in care, decisions about the registration of a birth, death or marriage and film classification decisions.

This bill also confers jurisdiction on the appeal tribunal in QCAT. The bill provides for appeals direct to the appeal tribunal of QCAT for certain decisions under the Body Corporate and Community Management Act 1997. Decisions that may be appealed under the Body Corporate and Community Management Act 1997 are decisions of an independent arbiter about body corporate disputes.

Some of the acts amended in this bill retain specialist procedures for a particular jurisdiction that modify the provisions of the QCAT Bill. While the QCAT Bill sets out the general procedural provisions, an enabling act may have different specialist procedures or requirements to ensure that the particular jurisdiction is exercised effectively.

An example of a specialist requirement is the requirement for certain members with particular expertise to hear matters in QCAT. For example, social workers will be required to sit on child protection matters and paediatricians will be required to sit on matters relating to sterilisation of children under the Guardianship and Administration Act 2000.

These provisions retain the specialist focus of the previous Children Services Tribunal and the Guardianship and Administration Tribunal while also achieving the general benefits of the single administrative framework as I have described in my speech for the QCAT Bill.

Both this bill and the QCAT Bill have been the result of extensive consultation both within government and with external stakeholders who manage and use the existing tribunals which will be amalgamated. Stakeholders generally support the bills and their feedback has been invaluable in the development of the bills and in improving the operation of the tribunal. I commend the bills to the House.

Mr Nicholls: Legislation to arouse the passions of any civil practice lawyer, I am sure, Mr Speaker.