



Speech by

Hon. Cameron Dick

MEMBER FOR GREENSLOPES

Hansard Thursday, 20 August 2009

PROPERTY LAW AND ANOTHER ACT AMENDMENT BILL

Hon. CR DICK (Greenslopes—ALP) (Attorney-General and Minister for Industrial Relations) (12.31 pm), in reply: At the outset I would like to thank all honourable members for their contributions to this debate and their support for the Property Law and Another Act Amendment Bill. I would like to particularly acknowledge the contributions made by government members to the debate and I would like to acknowledge the contributions specifically by the members for Keppel and the members for Toowoomba North. Both of those gentlemen brought significant legal experience to the House when they became members of this parliament. I think the parliament is well served by those who have significant life experience and significant professional experience when they enter the House.

I want to acknowledge, of course, that if any of the words that I say in my speech in reply echo some of the comments made by members in their contributions, including those of the member for Toowoomba North, that is, of course, purely coincidental. I would also like to acknowledge the contribution by the member for Keppel in respect of the historical overview that he provided concerning the history of families, in a sense, and in particular how the distribution of property has been dealt with over the centuries. I think it behoves us all to recognise that as society changes so, too, must the laws and mechanisms for resolving disputes within families. The nature of families has changed over time. All members of this House would have experience with different family units. That is something that should be uppermost in our minds when we pass laws that affect Queenslanders in all different forms of family units. I also note the opposition's support for the bill and I would like to acknowledge that.

Since 1993, when the Queensland Law Reform Commission reported that the Commonwealth family law courts were the most appropriate forum in which to determine de facto couple property disputes, there have been repeated calls for this important reform to occur. Following ongoing discussion of this issue at the Standing Committee of Attorneys-General during the 1990s and early 2000s, Labor state governments in Queensland, New South Wales, Victoria and Tasmania passed referral legislation in 2003 that provided for the referral of the power to determine the financial affairs of de facto couples following a relationship breakdown to the Commonwealth parliament.

However, it was not until the election of the Rudd Labor government that the Commonwealth government finally agreed to an acceptance of the respective states' referrals of power on terms that were suitable to those referring states, including Queensland. Amendments to the Family Law Act that provide for the acceptance of the referral of power from the respective states in relation to both same-sex as well as opposite-sex de facto couples have been fast-tracked by the Rudd Labor government, with the amendments commencing on 1 March 2009. De facto couples now have access to the federal family law jurisdiction and its many benefits for the determination of their property disputes, including the ability of their property dispute to be heard in conjunction with their child related dispute. There will be significant savings in both time and money for de facto couples by having access to the Family Law Act for the resolution of their property matters and those courts exercising jurisdiction under the Family Law Act.

There was some discussion during the debate about the operation of the federal family law courts, principally the Federal Magistrates Court and also the family law court. I note in particular that the member for Toowoomba North raised issues in respect of delay and making sure that that be monitored and

pursued. The member for Caloundra also made some comments in that regard. In that respect, I should acknowledge that the Commonwealth government, particularly the Commonwealth Attorney-General, the Hon. Robert McClelland, has taken steps to reform those courts. As honourable members would be aware, a review was conducted by Mr Des Semple and recommended to the Commonwealth government that the Federal Magistrates Court and the Family Court of Australia and the Federal Court of Australia be merged, that is, the Federal Magistrates Court be merged with the Family Court in respect of family law matters and all other general federal law matters being merged with the Federal Court. They are significant initiatives and they are designed to deliver efficiency in the administration of justice.

Just as we are seeking to reform the justice system in Queensland and bring greater efficiency and greater accessibility to the justice system through the Moynihan reforms that will be implemented through stage 1 introduced to the parliament this year, so, too, is the federal government under Robert McClelland's leadership as the Commonwealth Attorney-General seeking to reform those courts. The Federal Magistrates Court in particular is well known for its efficient disposition of justice. But there is also a balance to be struck between delay and making sure that matters are dealt with properly, including complicated issues involving children and property matters. That is why some of those matters take longer than normal, but there is a reform process proceeding.

This bill amends the Property Law Act 1974 to clarify the relationship between that act and the provisions of the Family Law Act and how the Property Law Act provisions will operate when the amendments to the Family Law Act commence. The amendments will provide a method of resolution of any jurisdictional issue that may arise between proceedings about the same matter brought in both the state and Commonwealth courts. Of course, those amendments to the Family Law Act have commenced.

The bill will also amend the Duties Act 2001 to clarify the current exemptions on certain dutiable transactions arising from the breakdown of de facto relationships, which will now fall under the duty exemptions of the Family Law Act. That is an important initiative that I wish to reaffirm.

This is an important bill that ensures that people who are going through a difficult emotional break-up are presented with the most appropriate forum, acknowledged by many members who spoke in the debate, and the most effective resolution to disputes over the financial and property matters that result from a relationship breakdown. Relationships of all types can find support in this bill, recognising that breakdowns do not discriminate between relationship types and the support needs to be universal.

While I am on my feet, I would like to take this opportunity to clarify the record of the hearing of Estimates Committee E. It has come to my attention since the hearing that two figures recorded in *Hansard* stipulating the changes to the monetary jurisdiction for civil disputes heard in the new Queensland Civil and Administrative Tribunal and the District Court were incorrect. The correct figures were provided in my opening statement. However, the record of my further comments on these figures during the hearing is inconsistent. So to clarify the record, the new monetary jurisdiction for the Queensland Civil and Administrative Tribunal will be \$25,000 for minor civil disputes and the new monetary jurisdiction for the District Court will be \$750,000.

I have also become aware of an error in the table attached to the response to a question on notice on workplace health and safety breaches within the government sector. The table lists a total of three prohibition notices and 10 unsafe equipment notices. These figures should be reversed. I understand that was a transcription error.

In conclusion, I again thank all honourable members for their contributions during the debate on this legislation. I would like to thank the officers from my department who have worked on this bill, notably Ms Susan Masotti and also Mark Biddulph from my office. I strongly commend the bill to the House.