



Speech by
Grace Grace

MEMBER FOR BRISBANE CENTRAL

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QUEENSLAND CIVIL AND ADMINISTRATIVE TRIBUNAL BILL; QUEENSLAND CIVIL AND ADMINISTRATIVE TRIBUNAL (JURISDICTION PROVISIONS) AMENDMENT BILL

Ms GRACE (Brisbane Central—ALP) (3.06 pm): I rise to support the bills before the House and the intention to create a new civil and administrative tribunal in Queensland to be known as QCAT. I welcome the objectives of the bills: to establish an independent tribunal and to deliver greater access, efficiency, fairness and cost-effective tribunal decision making in a quick and informal manner. A number of reports over the past 20 years have recommended reform to the Queensland system of administrative review. Steps have also been taken in the last 10 years to amalgamate a number of tribunals.

The legislative scheme for QCAT comprises both the Queensland Civil and Administrative Tribunal Bill 2009 and the Queensland Civil and Administrative Tribunal (Jurisdiction Provisions) Amendment Bill 2009. The QCAT Bill establishes the tribunal and sets out its general jurisdiction, powers, procedures and membership. It also establishes QCAT's minor civil disputes jurisdiction.

The object of the QCAT Bill is to establish an independent, accessible tribunal that will deal with matters in a quick, fair, just, informal and economical way. It will do this by conducting its proceedings in a responsive and expeditious manner, ensuring the rights of parties by complying with the rules of natural justice and by acting fairly and according to the substantial merits of the case. The tribunal will not be bound by the technical rules of evidence or the practices and procedures of courts.

Being someone with extensive experience in the area of industrial relations and in dealing with the Industrial Relations Commission—which one could say is a lay tribunal—I can categorically state that there will be benefits of amalgamating what are often legalistic tribunals and it is often very difficult to find your way through to the right tribunal to make your claim or to decide upon the type of court action that you wish to take. It is fantastic to see that we are now making this so much more accessible for general members of the public.

QCAT will have three general types of jurisdiction. There is the original jurisdiction to hear and decide matters at first instance, including civil disputes between parties, disciplinary matters for a range of professions and occupations, guardianship and administration matters and anti-discrimination matters. It will have a review jurisdiction to review decisions made by government agencies and statutory authorities. It will also have appeal jurisdiction to hear and decide appeals from QCAT decisions informed and from decisions made by external entities such as adjudicators under the Body Corporate and Community Management Act 1997 and the Information Commissioner under the new Right to Information Bill.

The jurisdiction provisions bill amends 216 acts and subordinate legislation to confer jurisdiction on QCAT. Legislation conferring jurisdiction on QCAT is described as enabling acts. Enabling acts may also contain particular powers and procedures that apply to QCAT when it is exercising jurisdiction under the enabling act. These provisions may add to, modify or replace powers and procedures contained in the QCAT bill. This structure promotes efficiencies through the standardisation of procedures, while retaining

the specialised powers and procedures necessary to ensure the needs of parties in particular jurisdictions are met.

I am very impressed with the amalgamation. Amalgamating 18 tribunals and transferring most of the administrative review jurisdiction of the various courts to QCAT will reduce confusion about where to apply for remedy because there will be a single, recognisable gateway with easy access. QCAT will have a new website that will be a single, online gateway for tribunal users using the self-explanatory domain name. The website will tell users about what QCAT does and, in particular, how they can start the application process.

I think this bill is terrific because it ensures there is greater standardisation in practice and procedures which gives more predictability. The specialisation of particular jurisdictions is kept through the retention of specialist procedures and powers and by the transition of current sessional members as ordinary members of QCAT.

This legislation will achieve greater consistency and increased quality of decision making through the following provisions: an increased opportunity to share knowledge and expertise amongst members, particularly in like jurisdictions; a requirement to provide written reasons for decisions if requested by a party; and the development of an internal body of precedents which will provide guidance to members and the general public about the likely outcome of similar cases. There will be enhanced quality and consistency of government decision making through the following: a general requirement placed on government agencies to provide reasons for the decisions; the normative effect of QCAT decisions in its review jurisdiction; and the tribunal's ability to make recommendations to agencies about agencies' policies and procedures relevant to a review decision.

The focus on the early resolution of disputes through the use of alternative dispute resolution measures, such as compulsory conferencing, is a move in the right direction. It is less formal and legalistic than what is provided by the courts, and parties will be able to represent themselves in most matters. With the leave of the tribunal, there will be areas where people can be represented, depending on their needs. The legislation provides for enhanced access to appeals for most jurisdictions, particularly minor civil disputes. I also welcome the capacity to incorporate new and emerging jurisdictions at less cost to the taxpayer.

Another part of the bill that I also welcome is the fact that the needs of vulnerable people will be looked after in terms of the tribunal's everyday mechanisms. They will have great flexibility in ensuring that there are a variety of practices and procedures for disadvantaged witnesses or those who require assistance in order to bring their case forward. I think this legislation is an excellent step in the right direction. It brings back fast remedy. It brings good, cost-effective measures and efficiencies, and I commend the bill to the House.