



Speech by

Mark Ryan

MEMBER FOR MORAYFIELD

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

Mr RYAN (Morayfield—ALP) (2.38 pm): I rise to contribute to the debate on the Queensland Civil and Administrative Tribunal Bill. This bill establishes the Queensland Civil and Administrative Tribunal, or QCAT. The establishment of QCAT follows the recommendations of an independent panel of experts. That independent panel recommended that a new tribunal be established and that the jurisdiction of existing tribunals be transferred to that tribunal. Acting on those recommendations and fulfilling a commitment of the government in its previous term, the government has agreed to establish QCAT and to transfer the jurisdiction of some 18 tribunals to QCAT as well as some of the administrative review jurisdictions of the courts, the Gaming Commission and the Treasurer, and the minor debt claims jurisdiction of the Magistrates Court.

I have said before in this place that access to the law and access to government services are challenges in a contemporary and increasingly complex world. For most people, navigating legal problems is expensive and time consuming. As a person who has studied administrative law and who has practised as a lawyer in some administrative law cases, I have firsthand knowledge of the complexities of this area of law and that even some legal practitioners have difficulty understanding particular aspects of administrative law. Currently, the myriad tribunals and registries provide just another hurdle for those who are aggrieved by civil or administrative actions to access the legal system. A fundamental principle of our system of government is for citizens to have the right to raise a legal problem and to have those legal problems adjudicated. Unfortunately, centuries of legal eccentricities and the highly professional and academic nature of the legal system has made it almost impossible for a citizen, without legal training or legal representation, to bring their grievances before the courts.

This bill, by establishing a single civil and administrative tribunal, will go some way to making our justice system more accessible and accountable. Importantly, QCAT will be established with a clear mandate to deal with legal matters in a way that is accessible, fair, just, economical, informal and quick. This mandate will go some way towards overcoming a number of perceptions in our community about our legal system. In addition, an understanding of the legal process will be enhanced by individuals who interact with the QCAT. Those individuals will also have their matters dealt with in an economical and quick manner. Those characteristics in themselves are critical aspects of lowering barriers to the justice system.

The bill enhances this outlook by requiring QCAT to, among other things, facilitate access to its services throughout Queensland, including regional Queensland; encourage the early and economical resolution of disputes; minimise the costs to parties; and maintain specialist knowledge and experience of members and adjudicators. QCAT's jurisdiction to hear some administrative law matters and minor debt claims will ensure that those matters and claims are dealt with more quickly and economically and will relieve some pressures on the courts that make up our justice system.

I am pleased to see that QCAT will be led by a president who is a Supreme Court judge and a deputy president who is a District Court judge. People will be appointed to those positions in consultation

with the Chief Justice and the Chief Judge respectively. This requirement reinforces the robust and independent nature of the new tribunal whilst at the same time emphasises the critical importance, regard and respect that the government has for this tribunal. In particular, the presence of Supreme and District Court judges will enhance the acceptance of decisions by QCAT in the community.

Some people may be concerned that the amalgamation of the various smaller tribunals into a larger and broader QCAT will lead to a loss of specialist knowledge of members and adjudicators. However, the Victorian experience shows that the presence of members with specialist knowledge has not only continued but also led to members gaining greater experience, which has improved the quality and consistency of decision making in the tribunal. The establishment of a new single state-wide and general tribunal to hear a variety of civil and administrative matters is a significant improvement for our justice system. It will lead to better outcomes for individuals and will make the government more accountable for its decisions.

The establishment of QCAT characterises a shift to a less complex legal framework for administrative law matters and a more efficient, accessible and accountable justice system for our communities. I commend the government on this initiative and I commend the bill to the House.