



Speech by

**Hon. Cameron Dick**

**MEMBER FOR GREENSLOPES**

Hansard Thursday, 16 September 2010

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## **JUSTICE AND OTHER LEGISLATION AMENDMENT BILL**

### **First Reading**

**Hon. CR DICK** (Greenslopes—ALP) (Attorney-General and Minister for Industrial Relations) (7.30 pm): I present a bill for an act to amend the Acts Interpretation Act 1954, Anti-Discrimination Act 1991, Appeal Costs Fund Act 1973, Appeal Costs Fund Regulation 2010, Bail Act 1980, Child Employment Act 2006, Childrens Court Act 1992, Civil Liability Act 2003, Classification of Films Act 1991, Commissions of Inquiry Act 1950, Contract Cleaning Industry (Portable Long Service Leave) Act 2005, Criminal Code, Criminal Proceeds Confiscation Act 2002, Director of Public Prosecutions Act 1984, Disability Services Act 2006, District Court of Queensland Act 1967, Drug Court Act 2000, Drugs Misuse Act 1986, Electoral Act 1992, Electoral Regulation 2002, Electronic Transactions (Queensland) Act 2001, Evidence Act 1977, Family Responsibilities Commission Act 2008, Financial Transaction Reports Act 1992, Guardianship and Administration Act 2000, Industrial Relations Act 1999, Industrial Relations (Tribunals) Rules 2000, Invasion of Privacy Act 1971, Judges (Pensions and Long Leave) Act 1957, Judicial Review Act 1991, Jury Act 1995, Justices Act 1886, Justices of the Peace and Commissioners for Declarations Act 1991, Law Reform Act 1995, Legal Aid Queensland Act 1997, Legal Profession Act 2007, Limitation of Actions Act 1974, Magistrates Act 1991, Magistrates Courts Act 1921, Maintenance Act 1965, Oaths Act 1867, Ombudsman Act 2001, Payroll Tax Act 1971, Penalties and Sentences Act 1992, Personal Injuries Proceedings Act 2002, Professional Standards Act 2004, Property Law Act 1974, Public Trustee Act 1978, Queensland Civil and Administrative Tribunal Act 2009, Queensland Civil and Administrative Tribunal Regulation 2009, Recording of Evidence Act 1962, Referendums Act 1997, Reprints Act 1992, State Penalties Enforcement Act 1999, Supreme Court Act 1995, Supreme Court of Queensland Act 1991, Torres Strait Islander Land Act 1991, Transport Operations (Passenger Transport) Act 1994, Uniform Civil Procedure (Fees) Regulation 2009 and Workers' Compensation and Rehabilitation Act 2003 for particular purposes and explanatory notes, and I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

*Tabled paper:* Justice and Other Legislation Amendment Bill 2010 [[2994](#)].

*Tabled paper:* Justice and Other Legislation Amendment Bill 2010, explanatory notes [[2995](#)].

### **Second Reading**

**Hon. CR DICK** (Greenslopes—ALP) (Attorney-General and Minister for Industrial Relations) (7.34 pm): I move—

That the bill be now read a second time.

The main objective of the bill is to provide for a number of minor, technical or other amendments to a range of statutes within my portfolio. As well, the bill amends one statute within the portfolio of each of the honourable Treasurer and Minister for Employment and Economic Development, the honourable Minister for Local Government and Aboriginal and Torres Strait Islander Partnerships, the honourable Minister for Transport and the honourable Minister for Disability Services and Multicultural Affairs.

As the Attorney-General and Minister for Industrial Relations, I am responsible for the administration of approximately 140 statutes. For the most part, the amendments contained in this bill are of a technical, discrete or minor nature and do not modify the philosophy or underlying policy intent of the statutes concerned.

The amendments of this nature generally are made to: deliver operational efficiencies to different areas of the justice system; clarify the existing law; and remove obsolete or redundant provisions. Some of the more technical matters include amendments to: the Acts Interpretation Act 1954 to clarify parliament's powers to make laws extending to coastal areas as prescribed by the Commonwealth Coastal Waters (State Powers) Act 1980 and the Commonwealth Coastal Waters (State Titles) Act 1980; the Bail Act 1980 to allow police to grant watch-house bail where the defendant is charged or held in custody for a Bail Act offence, so that this power is consistent with other provisions in the Bail Act; the Childrens Court Act 1992 and the Justices Act 1886 to allow access to court records for approved research in circumstances where the use of the information will not lead to identification of any persons; the Drugs Misuses Act 1986 to allow the minister to delegate the power to appoint a drug analyst to the chief executive or another suitable officer with the department who has the qualifications, experience or standing necessary to perform the function; the Guardianship and Administration Act 2000 to allow the Queensland Civil and Administrative Tribunal to obtain copies of documents without charge from a court; the Judges (Pensions and Long Leave) Act 1957 to remove the requirement for Governor in Council approval of the long leave or deferment of leave for the Chief Judge and the Chief Magistrate; the Justices Act 1886 to allow a police officer to serve a notice of intention to allege previous convictions in the same manner as a notice to appear, where the proceeding is commenced through a notice to appear; the Justice of the Peace and Commissioners for Declarations Act 1991, to allow the registrar to withhold the contact details of a justice of the peace or commissioner for declarations from inspection if the registrar considers it is necessary to do so to protect the safety or wellbeing of that person or a relative of that person; and the Penalties and Sentences Act 1992 to allow offenders charged with an offence under section 10(1) of the Drugs Misuse Act 1986 to be eligible for drug diversion, where the thing used in the commission of the offence is for personal use.

Turning to the more substantial amendments in this bill, the Magistrates Act 1991 is amended to extend the compulsory retirement age for magistrates, acting magistrates and judicial registrars from 65 years to 70 years. The bill includes amendments to the Magistrates Courts Act 1921, the District Court of Queensland Act 1967, the Supreme Court of Queensland Act 1991 and the Uniform Civil Procedure (Fees) Regulation 2009 to remove provisions about the court's management of mediators, case appraisers and the ADR register. The court's management of mediators, case appraisers and the ADR register is no longer required because in practice parties to proceedings nominate the mediator or case appraiser they intend to use and do not use the court approved mediators or case appraisers.

The Magistrates Courts Act 1921 and the Queensland Civil and Administrative Tribunal Act 2009 are amended to provide for the permanency of judicial registrars by removing the provisions that provide for the expiry of the judicial registrars scheme. Judicial registrars were initially appointed under a pilot scheme held in Brisbane, Southport and Townsville. Judicial registrars have presided over a total of 7,549 matters from January 2008 to June 2008, 14,532 matters from July 2008 to June 2009 and 15,506 matters from June 2009 to July 2010. Due to the success of the pilot it was decided to make the positions in Southport and Townsville permanent.

The amendments to the Electoral Act 1992 provide that electoral roll information is no longer available for purchase by any person. The electoral rolls will still be available for inspection. These amendments will not change the availability of electoral rolls to candidates for election, registered political parties, members of the Legislative Assembly, local governments, departments or state public authorities. The amendments are consistent with the 2004 amendments to the Commonwealth Electoral Act 1918 which were made to close a loophole that allowed roll information to be used for commercial and other unintended uses, such as direct marketing or debt collection. These amendments will enhance the protection of the privacy of persons whose personal particulars are entered on electoral rolls.

The bill includes a number of amendments to the State Penalties Enforcement Act 1999 to improve the operations of the State Penalties Enforcement Registry, some of which include: allowing the registrar to extend the time a debtor may apply for the cancellation of an enforcement order when satisfied there is a reasonable cause for delay; and lowering the minimum total debt that a debtor must owe before the registrar may register an interest in a motor vehicle from \$1,000 to \$500. While the last mentioned amendment to the act will increase the enforcement options available against debtors who owe smaller

amounts, the registrar is able to exercise discretion in the way debts are enforced to avoid hardship in exceptional circumstances.

The bill also includes amendments to the Industrial Relations Act 1999 to: allow a person to apply for parental leave for children born as a result of an altruistic surrogacy arrangement made under the Surrogacy Act 2010; provide for part-time appointments for current and future tribunal members including the president and the Queensland Workplace Rights Ombudsman subject to ministerial approval; allow the Ombudsman to concurrently work as a commissioner and as the Ombudsman, subject to agreement by the president, the Ombudsman and the minister; allow an Ombudsman, who is also a commissioner on a part-time basis, to be able to revert to being a commissioner on a full-time basis when the appointment as Ombudsman ends; simplify the leave approval process for commission members; simplify the appointment of associates to the commission; clarify the administrative powers of the vice-president of the commission; amend the Ombudsman's reporting frequency to the minister from quarterly to annually; and facilitate the making of a mandatory code of practice for clothing outworkers.

The bill amends the Queensland Civil and Administrative Tribunal Act 2009 so that the Governor in Council may allow a person to hold the positions of both an adjudicator and ordinary member of QCAT. The bill also amends the Family Responsibilities Commission Act 2008 to provide for the commission's more effective and efficient operation during its trial period that ends on 31 December 2011. The amendments allow three local commissioners to constitute the commission where the expected outcome of a conference is a referral to services; ensure a case plan is no longer necessary where an agreement or order includes those matters the act requires be in a case plan; reduce the notice period for a show cause hearing from at least 28 days to at least 14 days to support more timely service delivery and responses to breaches of referrals to services; enable the commissioner to dismiss frivolous or vexatious applications to amend or end agreements or orders; and extend the act's confidentiality provisions to persons engaged by a community support service who gain confidential information in relation to commission clients.

The bill includes amendments to the Disability Services Act 2006, an act administered by the Minister for Disability Services and Multicultural Affairs, as well as the Guardianship and Administration Act 2000. These amendments provide that a short-term approval can be made, or continue to apply, in certain circumstances where a guardian for a restrictive practice matter is appointed and is yet to consent to a plan. An amendment will also be made to the Disability Services Act 2006 to allow for an extension of the transitional period for a further six months.

Finally, the bill also includes an amendment to the Transport Operations (Passenger Transport) Act 1994, an act administered by the Minister for Transport, to validate the Transport Legislation Amendment (Postponement) Regulation (No. 1) 2008. I commend the bill to the House.