



Speech by


**Jarrod Bleijie**

**MEMBER FOR KAWANA**

Hansard Wednesday, 7 September 2011

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## **UNIFORM CIVIL PROCEDURE (FEES) AND OTHER LEGISLATION AMENDMENT REGULATION (NO. 1): DISALLOWANCE OF STATUTORY INSTRUMENT**

 **Mr BLEIJIE** (Kawana—LNP) (7.30 pm): I move—

That the Uniform Civil Procedure (Fees) and Other Legislation Amendment Regulation (No. 1) 2011, Subordinate Legislation No. 166 of 2011, tabled in the House on 6 September 2011, be disallowed.

I move to disallow this insidious, sneaky fee hike that restricts access to justice to all Queenslanders, which is a right that is fundamental to a principled society. This great big new tax on justice ensures that applicants who file initiating processes in the District and Supreme courts will incur a 50 per cent increase over fees revised in July 2010. If nothing else, this new tax is a slippery slope towards a justice system for the rich rather than for all Queenslanders. This comes from a Labor Party that purports to represent the working class, when really it does not represent anything or anyone anymore. The light on the hill is fading further and further into the distance.

Members on the other side of the House believe that Queenslanders seeking justice through our courts should have to pay more and upfront whether they win or lose and despite the merits of their case. This regulation, which took effect on 1 September 2011, ensures that court filing fees are increased and introduces setting-down and hearing fees in civil matters. However, we should not be surprised. After all, this is a government that presided over the cost-of-living increases that are strangling the family budget. This is a government that went broke on the back of a major mining boom. This is a government that lost our treasured AAA credit rating. This government is addicted to spending and bureaucratic waste, and the taxpayers of this state have had enough. As a result of this financial incompetence, obviously government revenue has to be increased. This comes in the form of taxes, levies, fees and charges. Whatever you want to call it, this cost increase is just pure revenue raising at a time when government debt is spiralling out of control.

This is a great big new tax on Queenslanders who are seeking a remedy for a particular grievance or a perceived injustice. Of course, this Attorney-General says that he has a great interest in consumer law reform and protecting those in our society who are most vulnerable, but the only thing he seems to ever refer to are the gift cards with expiry dates. That is about the depth of the reform agenda of a long-term Labor government that is out of ideas and is steering this great state in the wrong direction.

This regulation and fee impost has the potential to restrict access to justice for Queenslanders, which is a situation that Attorneys-General of all persuasions should always aspire to prevent. Under the stewardship of the current Attorney-General, Queenslanders will face hikes in legal costs thanks to this great big new tax on accessing justice. It will raise the barrier for ordinary Queenslanders to access courts to resolve their disputes, creating a justice system only for the rich. In referring to these access to justice concerns, Mr Bruce Doyle from the Queensland Law Society stated—

The new increased fees represent an undesirable additional obstacle to citizens seeking justice through the courts.

In responding to my recent press release on this great big new tax on access to justice, the Attorney-General complained that I was 'asleep at the wheel'. So too must have been the Bar Association of Queensland, the Queensland Law Society, the Queensland Council for Civil Liberties and the Australian Lawyers Alliance. In his media release, a copy of which I will table for the benefit of all honourable members, the Attorney-General stated—

It only applies to the District and Supreme courts and most people in society will never have a matter in the District or Supreme courts.

*Tabled paper:* Media release, dated 30 August 2011, by the Deputy Premier and Attorney General titled 'Bleijie asleep at the wheel again' [5246].

I ask the Attorney-General to consider the plight of a flood victim who wants to take action against an insurance company that is refusing to pay out for a new house. I ask the Attorney-General to consider the plight of a small business run by mum and dad operating a proprietary company that is struggling to get money owed to it. How do they cope? I ask the Attorney-General to respond to that. It is far too generalised to assume that most people will never have a matter before the District or Supreme courts. In reality, that may be the case and one would hope so. However, it is vital that this long-term Labor government governs with the interests of all Queenslanders in mind rather than those who can afford the escalated fees and additional charges. In his media release the Attorney-General went on to state—

The fees only apply to new matters filed from September 1 so no existing litigant, no matter how wealthy, will be disadvantaged.

The amount of money raised at \$3 million is very modest.

The statement continues—

Mr Lucas said charging court fees would bring Queensland into step with other states in Australia and funds collected this financial year would go towards important initiatives such as the Murri Court and the Queensland Indigenous Alcohol Diversion Program.

That seems to be the excuse for most things this government does, that is, it will bring us into line with other states in Australia.

While I am on the topic of national harmonisation, I take this opportunity to discuss correspondence that I have received from Mr Richard Douglas SC, President of the Bar Association. I will table that correspondence at the end of my contribution, as I will refer to it throughout this speech. In the correspondence, Mr Douglas SC referred to national harmonisation. He stated—

It is quite wrong for the government to characterise the regulation as being, in substance, an exercise in harmonisation ... with the other states and territories.

It seems that national harmonisation is not even a convenient excuse for this particular tax and it is simply not the case. In relation to the setting-down and hearing fee, Mr Douglas makes the following points: there are no such fees in Tasmania, the ACT, the Northern Territory or the Land and Environment Court in New South Wales; there are such fees in varying amounts in South Australia, Western Australia and the Supreme courts of New South Wales and Victoria; and the amount of the fees, where imposed, vary considerably, but the fee changes in Queensland are pitched at the high end. In a letter to the Attorney-General, Mr Douglas states—

I can only assume you did not know of the minutiae of such fees, for otherwise you would not have adhered to your harmonisation contention. It is such a pity that I have to seek out and provide such information, and cognate submissions, to you on the run.

The contention of the Attorney-General in relation to national harmonisation has been blown out of the water and exposed for what it is: a poorly conceived misrepresentation of the facts. In a letter dated 7 September from the Bar Association to the Attorney-General, in reference to national harmonisation Mr Richard Douglas states—

On the above analysis, any Queensland litigating for up to \$750,000 plus statutory interest would be better off commencing in New South Wales or Victoria rather than the Queensland District Court. So much for access to justice in the sunshine state.

That is the mantra of this long-term government that is taking Queensland from the head of the pack to chasing the tails of the other states.

Today the Queensland Law Society issued a letter to the Attorney-General in which Bruce Doyle, the President of the Queensland Law Society, talks about the national harmonisation approach. In part the letter states—

It is apparent that you have proposed these fee increases on a mistaken basis.

The letter sets out a detailed cost analysis of a civil trial in a District Court or equivalent jurisdiction right around Australia. This letter, which I will table, clearly shows that Queensland will be one of the most expensive states in Australia in which to commence an action in a District Court. Setting-down fees will be a new cost. A corporation will pay \$2,250. In other states, including Victoria, a corporation will pay \$529 and in Western Australia a corporation will pay \$1,019.

These new fees are an injustice. It is an access to justice issue which has been clearly set out by the Law Society, the Bar Association and others. I table a copy of that letter for the information of members of the House.

*Tabled paper:* Letter, dated 7 September 2011, from Mr Bruce Doyle, President, Queensland Law Society to the Deputy Premier and Attorney-General regarding Queensland courts civil fee increases [5247].

That is why Campbell Newman and the LNP will fight to ensure that Queensland is No. 1 again. We will fight to stamp out this injustice here tonight. We have already committed in the media to keeping these types of court fees level with the increase in CPI. That is the promise that we will keep. We believe that it is vital that all Queenslanders have access to justice and that no disadvantage is sustained through a lack of means or financial barriers.

I say to the Attorney-General: where was the consultation? Where was the commitment to work with our legal profession and stakeholders to improve access to justice for all Queenslanders? Where was the commitment to working families in Queensland? Once again we have seen this approach which is typical of this government and this minister.

This is a minister who we know was moved on from the Health portfolio because the monumental bungle that was the Health payroll disaster lingers on. This is the minister who is all huff and no puff. He likes to rant and rave in this place, as is the case with this government, but it is all spin and no substance. On the topic of consultation, it is one thing to bury this kind of fee hike in a state budget; it is another to completely ignore the legal associations such as the Bar Association, the law association, the Law Society of Queensland, the Australian Lawyers Alliance and the civil liberties council. I am sure that, at the very least, they would have appreciated adequate notification of fee changes that would impact upon their clients and particularly access to justice for all Queenslanders.

What this minister does not seem to understand is that it is one thing to increase the fees which will restrict access to justice for Queenslanders; it is another thing to simply put it in and then say to the industry, 'Deal with it.' That is exactly what has happened here. Instead of paying the courtesy of advising our peak legal representative organisations, the minister ran away and hid, hoping this great big new tax on justice would come into effect and people would accept the increases and new charges. That is not going to happen. Peak bodies such as the Bar Association, the Queensland Law Society, the Council for Civil Liberties and Australian Lawyers Alliance have all expressed dismay and extreme disappointment at the new charges and the lack of consultation from the government.

In a letter from the President of the Law Society, Mr Bruce Doyle, to the Attorney-General on 29 August Mr Doyle stated—

The first notice that the Queensland Law Society had of the detail of these proposals was on Friday 26 August 2011. We forwarded this notice to our members on the same day. This means that our members have only received three clear days' notice of the proposed changes which take effect on ... 1 September 2011.

He went on to say—

In circumstances where there are new fees which were never previously charged and where fees that were previously charged have substantially increased, this is likely to cause substantial inconvenience for litigants and their lawyers. Therefore this level of prior notice and consultation is entirely inadequate.

I have tabled a copy of the media release from the Attorney-General. He also said in that media release that the Queensland Law Society was in the lockdown when the budget was being discussed. That is funny because the Law Society sent out its *Law Society Update* late this afternoon, at 4.24 pm, to all its members in Queensland. The second item of the *Law Society Update* is titled 'Queensland courts civil fee increases'. It states—

Queensland Law Society President Bruce Doyle recently wrote to Attorney General The Hon Paul Lucas in relation to his disappointment at the short notice given to the profession regarding recent court fee increases. A media release issued by the Attorney General inaccurately claimed that QLS was involved in the budget lock-up and advised of these fee increases.

The Attorney-General of Queensland sent out a press release and said the Law Society was involved, that it knew about it and that it was involved in the budget lockdown. Why is it that at 4.24 this afternoon the Queensland Law Society has to issue a notice to its members saying that that statement is inaccurate? The Deputy Premier and Attorney-General needs to explain that. If it is the case that his press release is misleading, we need to ensure that appropriate parliamentary procedures are followed to correct that. I table a copy of that *Queensland Law Society Update*.

*Tabled paper:* Email, dated 7 September 2011, from the Queensland Law Society titled 'QLS Update' [5248].

The president of the Bar Association also wrote to the Attorney on 29 August. He said—

The enactment of the regulation, both in the manner it was introduced without proper consultation, and in substance, on any view, represents a cynical exercise of government power undertaken with utter disregard for due process or the interests of the general public.

I table further copies of letters—a letter from the Bar Association of 7 September, the Queensland Council for Civil Liberties, a copy of a letter from the Australian Lawyers Alliance and a copy of a letter from the Queensland Law Society dated 29 August.

*Tabled paper:* Letter, dated 29 August 2011, from Mr Richard Douglas SC, President, Bar Association of Queensland, to the Deputy Premier and Attorney-General regarding the Uniform Civil Procedure (Fees and Other Legislation) Regulation (No. 1) 2011 [5252].

*Tabled paper:* Letter, dated 7 September 2011, from Mr Richard Douglas SC, President, Bar Association of Queensland, to the Deputy Premier and Attorney-General regarding the Uniform Civil Procedure (Fees and Other Legislation) Regulation (No. 1) 2011 [\[5253\]](#).

*Tabled paper:* Letter, dated 30 August 2011, from Mr Michael Cope, President, Queensland Council for Civil Liberties, to the Deputy Premier and Attorney-General regarding the Uniform Civil Procedure (Fees and Other Legislation) Regulation (No. 1) 2011 [\[5251\]](#).

*Tabled paper:* Letter, undated, from Mr Adam Tayler, Queensland Branch President, Australian Lawyers Alliance, to the Deputy Premier and Attorney-General regarding the Uniform Civil Procedure (Fees and Other Legislation) Regulation (No. 1) 2011 [\[5250\]](#).

*Tabled paper:* Letter, dated 29 August 2011, from Mr Bruce Doyle, President, Queensland Law Society, to the Deputy Premier and Attorney-General regarding Queensland courts civil fee increases [\[5249\]](#).

How is it that so many associations representing lawyers, barristers and Queenslanders' access to justice have got it wrong? How is it that so many have got it wrong? How many of these associations have got it all wrong?

**Mr Lucas:** It is like mining companies when you put up royalties. Of course they don't like it!

**Mr BLEIJIE:** The Attorney says they all have it wrong. The LNP will not stand by and let these new fees—court taxes—go through without a fight.