




Speech by

Mark Ryan

MEMBER FOR MORAYFIELD

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

 **Mr RYAN** (Morayfield—ALP) (8.37 pm): I rise to contribute to the debate regarding the motion of disallowance of the Uniform Civil Procedure (Fees) and Other Legislation Amendment Regulation (No. 1) 2011. Despite the jokes that are often directed at the legal profession, I am very proud to put on the record that prior to my election to this parliament I was a legal practitioner. Although I no longer practise law, I continue to be a member of the Queensland Law Society. I am proud to be a lawyer because at the heart of being a lawyer is the concept of respect for institutions, including a respect for the parliament and the courts and a sense of duty. If we look closely at the reasons behind this new fee structure as proposed in the amending regulation, we would see that the reasons justify a new fee structure and we would see that we all have a sense of duty to a large extent to support the amending regulation.

The explanatory notes to the amending regulations state—

The benefit of this amendment is to prescribe new fees and increase some existing fees for court services. It is anticipated that the introduction of these fees will improve the parties' preparation prior to a hearing or trial, improve planning and use of available court time, encourage greater use of alternative dispute resolution mechanisms; and potentially remove unnecessary proceedings from the courts. The Amendment Regulation provides for an expanded fee reduction regime to ensure justice continues to be accessible to all who need it.

If we think for one moment about it, rather than just shooting from the hip like the member for Kawana and other members opposite, we would think that this new fee structure will encourage greater use of alternative dispute resolution mechanisms and will thereby support our courts by potentially removing unnecessary proceedings from the courts. Reducing the pressure on our courts will indirectly improve access to justice.

Let us also put it in this context: the new fee structure, set out in this amending regulation, does not apply to matters before the Magistrates Court or QCAT. Those fee structures are not changed by this amending regulation. What is more, this new fee structure applies predominantly to commercial matters before the Supreme and District courts. As the Deputy Premier has correctly noted, very few Queenslanders will be involved in such matters. If we were to take a poll at the Caboolture South IGA or if we were to have a chat around the barbecue on Saturday night, we would find that very few people would have anything to do with a commercial matter before the Supreme or District courts.

What is more, one of the changes opposed by the opposition is the insertion of new section 4(4) to clarify that a liquidator, administrator or other person acting for or on behalf of a corporation must pay the fee payable by a corporation. That is fair and reasonable in the circumstances, but it is opposed by the opposition. Another change opposed by the opposition is the expanded fee reduction regime. This expanded structure will ensure access to justice continues to be supported by this new fee structure. Again, this is fair and reasonable in the circumstances, but it is opposed by the opposition.

Further, the new fee structure will support an increase in recurrent funding for two key access to justice programs. On 15 June 2011, when the Deputy Premier first informed the House about the new fees, he said that the new fees are estimated to provide an additional \$3 million per annum to fund two important justice programs, the Murri Court program and the Queensland Indigenous Alcohol Diversion Program. The Murri Court is a key part of the Queensland government's Indigenous justice strategy. An independent evaluation by the Australian Institute of Criminology found that the Murri Court makes an important contribution to addressing overrepresentation by providing a culturally appropriate sentencing process, improving relationships between the criminal justice system and Indigenous communities, improving support for participants pre and post sentence and improving court appearance rates.

I take this opportunity to thank the Deputy Premier for joining me at Caboolture last week for the sashing of Murri Court members. The Caboolture Murri Court does exceptional work. I am very pleased that this new fee structure will support its work of promoting access to justice and delivering real justice outcomes for our community. This is fair and reasonable in the circumstances, but it is opposed by the opposition.

There is also a strong link between alcohol consumption and the appearance of Aboriginal and Torres Strait Islander people in the criminal justice system. The Queensland Indigenous Alcohol Diversion Program aims to reduce alcohol related crime by providing intensive alcohol treatment and case management to Indigenous adults involved in the criminal justice or child protection systems because of alcohol misuse. The Queensland Indigenous Alcohol Diversion Program was independently evaluated by Success Works. This evaluation identified a number of benefits, including improved health and social outcomes for participants.

In addition, the evaluation suggests that the program impacts on offending by reducing the likelihood of serious reoffending in the short and medium term, diverting offenders from high-level penalties and reducing the number of offences committed post graduation. The relatively small amount of revenue raised through the new court fee structure will support important justice initiatives aimed at reducing the overrepresentation of Aboriginal and Torres Strait Islander people in the criminal justice system. This is of direct benefit to the Queensland community. It is fair and reasonable in the circumstances, but it is opposed by the opposition.

The Queensland government is committed to providing a fair, safe and just society for all Queenslanders. I support the amending regulation and I oppose the disallowance motion.