




Speech By
Hon. Jarrod Bleijie

MEMBER FOR KAWANA

QUEENSLAND CIVIL AND ADMINISTRATIVE TRIBUNAL (JUSTICES OF THE PEACE) AMENDMENT BILL

Second Reading

 **Hon. JP BLEIJIE** (Kawana—LNP) (Attorney-General and Minister for Justice) (3.27 pm): I move—

That the bill be now read a second time.

As I mentioned in my introductory remarks, this bill fulfils a pre-election commitment by the Newman government to trial an expansion of the role of justices of the peace in our courts and tribunals. We appreciate the invaluable role that justices of the peace play in our justice system. These respected citizens volunteer their time and devote their energy to serving justice in Queensland and this initiative rewards those justices of the peace who want to contribute even further.

The Queensland Civil and Administrative Tribunal (Justices of the Peace) Amendment Bill 2013 establishes a six-month trial enabling two justices of the peace to constitute the Queensland Civil and Administrative Tribunal, QCAT, to hear and decide minor civil disputes with a value of \$5,000 or less, excluding urgent residential tenancy matters. The bill also includes amendments to streamline the process for resignation from office for members, adjudicators and justices of the peace. Subject to the parliament's passage of the bill, it is intended the trial will commence in early June and be conducted in Brisbane, Southport, Ipswich, Maroochydore and Townsville. An evaluation of the trial will assist future decision-making about whether the QCAT JP program should be extended, modified or ceased.

I take this opportunity to thank the Legal Affairs and Community Safety Committee for its careful consideration of the bill. I also thank the stakeholders who contributed to the committee process by providing their submissions: the Real Estate Institute of Queensland; the Queensland Association of Independent Legal Services Inc.; and, of course, the Queensland Law Society. I note the committee tabled its report on the bill on 24 April 2013. I now table a copy of the Queensland government's response to that report.

Tabled paper: Legal Affairs and Community Safety Committee Report No. 28—Queensland Civil and Administrative Tribunal (Justices of the Peace) Bill 2013, government response [\[2529\]](#).

In its report the committee made four recommendations about the bill. The committee's first recommendation that the bill be passed is welcomed. Recommendation 2 provides that a program of regular continual professional development opportunities be provided to QCAT JPs. The Queensland Civil and Administrative Tribunal Act 2009, the QCAT Act, already includes a number of safeguards in relation to the proposed trial, including section 167. Section 167 provides that the president is to consider certain factors, including the nature, importance and complexity of the matter, in choosing the persons who are to constitute the tribunal for a particular matter. This will ensure that the justices of the peace who constitute the tribunal have, between them, sufficient knowledge and experience of the subject matter and issues.

In addition, as noted in the committee's report, clause 7 of the bill, proposed new section 206J, allows the presiding QCAT justice of the peace to refer a question of law to the QCAT president. Further, clause 7 of the bill, proposed new section 206N, provides that if the tribunal constituted by two justices of the peace considers it would be more appropriate for the matter to be decided by the tribunal constituted by one, two or three members, or by an adjudicator then the presiding QCAT justice of the peace must refer the matter to the president.

As noted in the Department of Justice and Attorney-General advice to the committee on submissions made to the committee, the applicant justices of the peace have had to undergo comprehensive, compulsory five-day training delivered by experienced QCAT members, adjudicators and staff. I am advised that the training included the fundamental principles of respect for the law; fairness, encompassing natural justice and procedural fairness; as well as modules on the subject matter constituting QCAT's minor civil disputes jurisdiction. The training materials included tribunal decisions relevant to the modules to illustrate practical application of the principles and all participants' competency was assessed through a practical, performance based exercise. In addition, all participants were strongly encouraged to observe QCAT hearings following the completion of the training and before the trial commences. Legal support by an experienced QCAT member or adjudicator is also to be provided to the justice of the peace panels when they hear matters. As I mentioned above, a decision about the future of the trial will be made following the evaluation.

Included as part of the considerations for the future of the JP QCAT program will be the need for regular, continual professional development opportunities for the QCAT JPs. In recommendation 3, the committee recommended that the evaluation framework for the QCAT JP trial captures information on the skills and experience of the participating applicants, appropriately anonymised and sorted into broad categories such as years of age, gender, post-admission legal experience or other qualifications. As the committee has noted in its report, the evaluation framework is currently being finalised. The committee's recommendation about the information to be captured will be considered as part of that process. I have been advised by QCAT that its evaluation database has been set up to capture the skills and experience of the JPs participating in the trial. The Department of Justice and Attorney-General has advised me that it is intended that the evaluation will include seeking feedback from QCAT clients, justices of the peace participating in the trial and other stakeholders.

Recommendation 4 of the committee's report recommends the evaluation framework for the QCAT JP trial be made publicly available prior to the expiration of the trial and the results of the evaluation are tabled in the Legislative Assembly prior to any decision to continue the trial for an extended period. The government will make the evaluation framework publicly available prior to the expiration of the trial. Further, the government will also release the results of the evaluation at an appropriate time.

The bill recognises the important role justices of the peace have in our community and will offer an opportunity to justices of the peace to expand their role and, at the same time, reduce the burden on the court and tribunal system. The commencement of the justice of the peace QCAT trial in early June 2013 will fulfil the government's commitment in the six-month action plan and is part of the government's pledge to deliver a swift and fair justice system for all Queenslanders. I commend the bill to the House.