




Speech By  
**Hon. Jarrod Bleijie**

**MEMBER FOR KAWANA**

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## JUSTICE AND OTHER LEGISLATION AMENDMENT BILL

### Message from Governor

 **Hon. JP BLEIJIE** (Kawana—LNP) (Attorney-General and Minister for Justice) (3.46 pm): I present a message from Her Excellency the Governor.

The Speaker read the following message—

#### MESSAGE

JUSTICE AND OTHER LEGISLATION AMENDMENT BILL 2013

*Constitution of Queensland 2001, section 68*

I, PENELOPE ANNE WENSLEY AC, Governor, recommend to the Legislative Assembly a Bill intituled—

A Bill for an Act to amend the Aboriginal and Torres Strait Islander Land Holding Act 2013, the Acts Interpretation Act 1954, the Anti-Discrimination Act 1991, the Appeal Costs Fund Act 1973, the Appeal Costs Fund Regulation 2010, the Births, Deaths and Marriages Registration Act 2003, the Child Employment Act 2006, the Child Employment Regulation 2006, the Civil Proceedings Act 2011, the Coroners Act 2003, the Criminal Law (Rehabilitation of Offenders) Act 1986, the Dispute Resolution Centres Act 1990, the District Court of Queensland Act 1967, the Domestic and Family Violence Protection Act 2012, the Electronic Transactions (Queensland) Act 2001, the Evidence Act 1977, the Guardianship and Administration Act 2000, the Information Privacy Act 2009, the Judges (Pensions and Long Leave) Act 1957, the Judicial Remuneration Act 2007, the Justices Act 1886, the Justices of the Peace and Commissioners for Declarations Act 1991, the Land Court Act 2000, the Legal Aid Queensland Act 1997, the Legal Profession Act 2007, the Magistrates Act 1991, the Magistrates Courts Act 1921, the Peaceful Assembly Act 1992, the Personal Injuries Proceedings Act 2002, the Queensland Civil and Administrative Tribunal Act 2009, the Recording of Evidence Act 1962, the Retirement Villages Act 1999, the Right to Information Act 2009, the Statutory Instruments Act 1992, the Succession Act 1981, the Supreme Court of Queensland Act 1991 and the Trusts Act 1973 for particular purposes


(sgd)

GOVERNOR

Date: 4 JUN 2013

*Tabled paper:* Message, dated 4 June 2013, from Her Excellency the Governor, recommending the Justice and Other Legislation Amendment Bill 2013 [\[2835\]](#).

### Introduction

 **Hon. JP BLEIJIE** (Kawana—LNP) (Attorney-General and Minister for Justice) (3.46 pm): That is only an eighth of my ministerial responsibilities! I present a bill for an act to amend the Aboriginal and Torres Strait Islander Land Holding Act 2013, the Acts Interpretation Act 1954, the Anti-Discrimination Act 1991, the Appeal Costs Fund Act 1973, the Appeal Costs Fund Regulation 2010, the Births, Deaths and Marriages Registration Act 2003, the Child Employment Act 2006, the Child Employment Regulation 2006, the Civil Proceedings Act 2011, the Coroners Act 2003, the Criminal Law (Rehabilitation of Offenders) Act 1986, the Dispute Resolution Centres Act 1990, the District Court of Queensland Act 1967, the Domestic and Family Violence Protection Act 2012, the Electronic

Transactions (Queensland) Act 2001, the Evidence Act 1977, the Guardianship and Administration Act 2000, the Information Privacy Act 2009, the Judges (Pensions and Long Leave) Act 1957, the Judicial Remuneration Act 2007, the Justices Act 1886, the Justices of the Peace and Commissioners for Declarations Act 1991, the Land Court Act 2000, the Legal Aid Queensland Act 1997, the Legal Profession Act 2007, the Magistrates Act 1991, the Magistrates Courts Act 1921, the Peaceful Assembly Act 1992, the Personal Injuries Proceedings Act 2002, the Queensland Civil and Administrative Tribunal Act 2009, the Recording of Evidence Act 1962, the Retirement Villages Act 1999, the Right to Information Act 2009, the Statutory Instruments Act 1992, the Succession Act 1981, the Supreme Court of Queensland Act 1991 and the Trusts Act 1973 for particular purposes. I table the bill and the explanatory notes. I nominate the Legal Affairs and Community Safety Committee to consider the bill.

*Tabled paper:* Justice and Other Legislation Amendment Bill 2013 [\[2836\]](#).

*Tabled paper:* Justice and Other Legislation Amendment Bill 2013, explanatory notes [\[2837\]](#).

I am pleased to introduce the Justice and Other Legislation Amendment Bill 2013. The bill proposes miscellaneous amendments to approximately 30 acts administered by the Attorney-General and Minister for Justice. The bill includes a number of amendments to clarify and improve provisions concerning the operation of various commission, court, tribunal and registry processes. I will outline some of the amendments included in the bill. The bill amends the Anti-Discrimination Act 1991 to expand the grounds on which the Anti-Discrimination Commission Queensland may reject or lapse a complaint and to allow for a 28-day cooling-off period when complainants give notice that they wish to withdraw a complaint.

The Coroners Act 2003 is amended to authorise the publication of inquest and investigation findings and inquest comments. The amendments to the Coroners Act will also allow Coroners to make appropriate orders concerning access to exhibits, broaden the grounds for access to investigation documents where in the public interest, and allow Coroners to take a urine sample regardless of the type of autopsy ordered. Additionally, the bill amends the Criminal Law (Rehabilitation of Offenders) Act 1986 to exempt certain court, departmental and private sector staff from compliance with some disclosure restrictions so as to enable them to properly carry out their duties.

The bill proposes amendments to the District Court of Queensland Act 1967 and the Supreme Court of Queensland Act 1991 to facilitate the appointment of retired District Court and Supreme Court judges, having reached 70 years of age, as acting judges until they reach 78 years of age. It is proposed to amend the Evidence Act 1977 to clarify that, for the purposes of providing that parties, or spouses of parties, are competent and compellable in all non-criminal proceedings, a proceeding is defined to include an inquiry, reference or examination. I seek leave to have the remainder of my speech, which has been approved by Madam Speaker, incorporated in *Hansard*.

Leave granted.

The Justices of the Peace and Commissioners for Declarations Act 1991 is proposed to be amended to improve registry administration and allow the registrar to exempt appointees from gazettal; and to amend an uncommenced section of this Act dealing with what proof of identity documentation a Justice of the Peace must keep when witnessing documents. This uncommenced section was inserted by the Civil Proceedings Act 2011. The amendments change the provision to remove the option for taking copies of identity documents, and instead provide that justices of the peace need only record sufficient identity information, for example, for a driver licence, the name, document type and last digits in the sequence of the driver licence number.

The Land Court Act 2000 is proposed to be amended to clarify powers and jurisdiction of the Land Court; ensure the procedures of the Court are consistent with other Queensland Courts; and remove the requirement for the Registrar of the Land Court to be appointed by the Governor in Council.

The Magistrates Act 1991 is amended to expand and clarify the powers of the Chief Magistrate; to allow for the appointment of more than one Deputy Chief Magistrate; to clarify arrangements for a District Court Judge appointed as a Chief Magistrate, and to clarify when a person acts as a judicial registrar.

The Bill amends the Queensland Civil and Administrative Tribunal Act 2009 to clarify provisions, provide for more efficient use of tribunal resources and management of matters and to afford certain protections to conciliators and costs assessors.

The Bill provides for the implementation of model provisions to allow for accession to international conventions. Amendments to the Electronic Transactions (Queensland) Act 2001 will provide a set of internationally accepted rules to remove legal obstacles and to provide a more secure environment for Queensland businesses using electronic communications in domestic and international trade.

The amendments to the Succession Act 1981 will provide Queenslanders with an additional form of will, known as an international will. An international will may be recognised as a valid will by a court in Australia, or in another country that is a party to the convention, irrespective of where the will was made, where assets are located or where the testator lives. Therefore, a court will not have to examine the laws of a foreign country to decide if the will has been properly executed.

The Bill makes a number of minor or technical amendments to the Acts Interpretation Act 1954, Appeal Costs Fund Act 1973, Legal Aid Queensland Act 1997, Legal Profession Act 2007, Recording of Evidence Act 1962, and the Trusts Act 1973 to update or clarify definitions and references.

With respect to the Recording of Evidence Act 1962 amendment, in February 2013, this Parliament passed amendments to that Act to enable the implementation of the outsourcing of the recording and transcribing of legal proceedings in Queensland. As announced since then, Auscript won the tender to provide those services. I can report that Auscript's services have successfully commenced in the Supreme and District Courts.

Arbitration proceedings in general were removed from the Act as part of the amendments earlier this year, owing to the largely private nature of the arrangement, and that will remain the case. However, this Bill puts the arbitration proceedings of the Industrial Relations Commission back under the coverage of the Recording of Evidence Act.

In a practical sense, the fact that it was omitted does not make a difference. The Act requires proceedings to be recorded but this does not stop proceedings outside of the Act being recorded, as Industrial Relations Commission proceedings have continued to be.

I would like to take the opportunity to clarify, for the record, that proceedings of the Industrial Relations Commission generally were part of the tender process and will be encompassed by the services Auscript offers. I am clarifying this as I had previously told the House that arbitration was not part of the tender, however it was, to the extent that the Industrial Relations Commission undertakes arbitration.

The Bill implements a number of red tape reduction measures concerning boards and the mechanisms for appointments. Amendments are proposed to: The Appeal Costs Fund Act 1973 to simplify appointment arrangements for the Secretary to the Appeal Costs Board; to the Births, Deaths and Marriages Registration Act 2003 to simplify appointment arrangements for the registrar and deputy registrar; to the Dispute Resolution Centres Act 1990 to abolish the Dispute Resolution Centres Council; and to the Guardianship and Administration Act 2000 to allow the appointment of community visitors on a casual basis, and to simplify appointment arrangements for an acting Public Advocate.

The Bill introduces further red tape reduction measures by allowing the Minister to delegate to the chief executive a decision to release copies of records in certain proceedings under the Justices Act 1886, and to allow delegation of the Police Commissioner's powers under the Peaceful Assembly Act 1992.

The Bill additionally clarifies that the Information Commissioner may publish the name of declared vexatious applicants under the Information Privacy Act 2009 and the Right to Information Act 2009.

The Bill includes amendments to enhance the operation of a number of legislative frameworks, including amending the Child Employment Act 2006 and Child Employment Regulation 2006 to prohibit the employment of minors in the unregulated live adult entertainment industry.

The Bill further proposes amendment to the Magistrates Court Act 1921 to provide authority to create stand-alone rules of court for proceedings under the Domestic and Family Violence Protection Act 2012; and further to the Domestic and Family Violence Protection Act 2012, administered by the Minister for Communities, Child Safety and Disability Services, to provide for the application of domestic and family violence protection rules of court to proceedings under that Act.

In addition, the Bill proposes further amendment to the Domestic and Family Violence Protection Act 2012 to resolve the current uncertainty about which domestic violence order is enforceable when two orders exist at the same time.

I commend the Bill to the House.

## **First Reading**

**Hon. JP BLEIJIE** (Kawana—LNP) (Attorney-General and Minister for Justice) (3.53 pm): 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.

## **Referral to the Legal Affairs and Community Safety Committee**

**Mr DEPUTY SPEAKER** (Dr Robinson): Order! In accordance with standing order 131, the bill is now referred to the Legal Affairs and Community Safety Committee.