



Speech By  
**Hon. Jarrod Bleijie**


**MEMBER FOR KAWANA**

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Record of Proceedings, 26 November 2014

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

### **Introduction**

 **Hon. JP BLEIJIE** (Kawana—LNP) (Attorney-General and Minister for Justice) (3.52 pm): I present a bill for an act to amend the Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984, Acts Interpretation Act 1954, Anti-Discrimination Act 1991, Appeal Costs Fund Act 1973, Births, Deaths and Marriages Registration Act 2003, Civil Liability Act 2003, Civil Proceedings Act 2011, Coroners Act 2003, Corporations (Administrative Actions) Act 2001, Corrective Services Act 2006, Court Funds Act 1973, Criminal Code, Criminal Proceeds Confiscation Act 2002, Drugs Misuse Act 1986, Electoral Act 1992, Evidence Act 1977, Industrial Relations Act 1999, Justices Act 1886, Legal Profession Act 2007, Magistrates Courts Act 1921, Penalties and Sentences Act 1992, Professional Standards Act 2004, Property Law Act 1974, Public Guardian Act 2014, Queensland Civil and Administrative Tribunal Act 2009, Recording of Evidence Act 1962, Referendums Act 1997, Supreme Court Library Act 1968, Telecommunications Interception Act 2009, Tourism and Events Queensland Act 2012, Trusts Act 1973 and Vexatious Proceedings Act 2005 for particular purposes, and to repeal the Companies (Acquisition of Shares) (Application of Laws) Act 1981, Companies and Securities (Interpretation and Miscellaneous Provisions) (Application of Laws) Act 1981, Companies (Application of Laws) Act 1981, Futures Industry (Application of Laws) Act 1986, and Securities Industry (Application of Laws) Act 1981.

I table the bill and explanatory notes. I nominate the Legal Affairs and Community Safety Committee to consider the bill.

*Tabled paper:* Justice and Other Legislation Amendment Bill 2014 [\[6594\]](#).

*Tabled paper:* Justice and Other Legislation Amendment Bill 2014, explanatory notes [\[6595\]](#).

Mr Deputy Speaker, I am pleased to introduce the Justice and Other Legislation Amendment Bill 2014. The bill makes miscellaneous amendments to over 30 acts within the portfolio responsibilities of the Attorney-General. Making amendments in this way ensures that legislation within the justice portfolio is kept up to date and meets contemporary practice, while not overburdening the parliament with multiple bills for what can sometimes be relatively technical matters. The bill also includes an amendment to the Tourism and Events Queensland Act 2012, which is within the portfolio responsibilities of the Minister for Tourism, Major Events, Small Business and the Commonwealth Games. I will outline some of the amendments included in the bill.

The bill strengthens and improves provisions concerning the administration of coronial and civil proceedings in the courts. The bill amends the Coroners Act 2003 to provide that a coroner must not commence or must adjourn a coronial inquest if a person has been charged with an indictable offence in which the question of whether the accused caused the death may be in issue. The coronial investigation may only commence or resume when the proceeding for the indictable offence ends. This amendment will improve the timeliness of coronial inquiries where an accused has been charged

with a summary offence in which the question of whether the accused caused the death is in issue and the offence charged is relevant to the coronial inquiry. I thank the Garrels family for advocating for such change.

The bill amends the Civil Proceedings Act 2011 by inserting a new part 13A, which establishes a statutory regime for the conduct of representative proceedings, commonly called class actions, in Queensland's Supreme Court. The regime is modelled on part IVA of the Federal Court of Australia Act 1976 (Cth), part 10 of the Civil Procedure Act 2005 (NSW) and part 4A of the Supreme Court Act 1986 (Vic). The amendments will address limitations in Queensland's current rule based regime for representative actions in the Uniform Civil Procedure Rules 1999 (Rules 75-77) and provide improved procedural certainty and efficiency in resolving disputes involving multiple claims.

The Vexatious Proceedings Act 2005 is amended to enable the Supreme Court to dismiss on the papers applications by vexatious litigants for leave to initiate proceedings. Enabling the court to decide these applications without an oral hearing will allow for a more efficient use of court resources.

The bill amends the Appeal Costs Fund Act 1973 to expand the circumstances in which a person is entitled to payment from the fund because a new trial is ordered to include where an appeal succeeds on the ground that there was a miscarriage of justice. The act is further amended to clarify that the costs that are recoverable from the fund are those costs that the board considers have been thrown away or partly thrown away and were reasonably incurred in the initial proceedings.

The bill amends the Civil Liability Act 2003 to broaden the circumstances where a person who suffers harm while committing an indictable offence will not be awarded damages in an action for negligence or other breach of duty. The amendments will strengthen and provide greater certainty in the operation of the current exclusion and are aimed at ensuring that criminals who commit serious offences cannot benefit from their criminal conduct and home owners will not be held responsible for those actions of the criminals. The bill strengthens penalties and sentences for certain offenders and streamlines certain processes in criminal hearings.

Section 236 of the Criminal Code is amended to increase the maximum penalty from two to five years imprisonment for the offence of misconduct with regard to corpses. The increased penalty recognises that when a deceased's body is mistreated it can cause substantial further distress to the deceased's family and may destroy, weaken or contaminate any evidence the body may reveal in terms of the cause of death or the identity of the killer.

The Penalties and Sentences Act 1992 is amended to provide that, when sentencing an offender for the offence of supplying a dangerous drug, the court must treat a resulting death as an aggravating factor. The amendment recognises the inherent dangerousness in the act of supplying a dangerous drug to another and recognises the need for community protection from illicit drugs and that drug suppliers should take moral responsibility for contributing to the death of another person as a consequence of their illicit conduct.

The bill amends the Criminal Proceeds Confiscation Act 2002 to ensure that all dealings with property that breach Supreme Court orders made under the Confiscation Act are voided and penalised appropriately.

The bill amends section 128 of the Drugs Misuse Act 1986 which provides for the use of drug analyst certificates to accommodate current scientific and operational practices of analysis where some elements of examinations may be conducted by an assistant rather than an analyst or may be an automated process. The amendment does not prevent a party to the hearing from challenging the information contained in the certificate.

The Recording of Evidence Act 1962 is amended to permit the destruction of recordings of Magistrates Court proceedings after the retention period authorised by the archivist under the Public Records Act 2002.

The bill introduces a new offence into the Corrective Services Act 2006 that prohibits prisoners from sending inappropriate and unwanted correspondence to victims. This will operate so that it is an offence for a prisoner to send, or attempt to send, correspondence to a victim when the prisoner knows, or ought reasonably to know, that the correspondence contains material that is distressing or traumatic for the victim. A maximum penalty of six months imprisonment will apply. The purpose of this offence is to strengthen protections for victims.

On that note, I thank the member for Maryborough for joining me this morning at the Maryborough correctional centre. I thank all correctional centre staff right around Queensland for the job they do in very tough situations and environments, behind the barbed wire at our correctional facilities. I take my hat off to all of the men and women who work for Queensland Corrective Services

for the great job they are doing in making sure Queenslanders are safe from these perpetrators. I thank the member for Maryborough for having me in her electorate this morning as we toured the facility and talked to the staff.

The bill also includes a number of amendments that are aimed at reducing red tape, renewing the public sector and reducing the regulatory burden. The bill simplifies the public notification process for appointments to community justice groups under the Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984 by replacing the requirement to gazette the appointment and revocation of appointment of community justice group members with a requirement to publish these appointments and revocations on the Queensland Courts website. The Acts Interpretation Act 1954 is amended to allow for approved forms to be notified by publication on appropriate websites instead of in the *Government Gazette*.

Amendments to the Births, Deaths and Marriages Registration Act 2003 will deliver business efficiencies for the Registry of Births, Deaths and Marriages and support better services by: establishing electronic lodgement as the required means of lodgement for birth notices by hospitals and death registration applications by funeral directors, with limited exceptions; clarifying the ability of individuals and entities to apply for and receive information electronically; and giving digitised copies of source documents relating to the registration of a life event the same legal status as the original paper versions.

The process to apply to be an electoral visitor voter under the Electoral Act 1992 is also simplified. A person will now only be required to apply to be an electoral visitor voter, removing the requirement for a signed written request.

The bill also repeals five redundant companies acts—namely, the Companies (Acquisition of Shares) (Application of Laws) Act 1981, the Companies and Securities (Interpretation and Miscellaneous Provisions) (Application of Laws) Act 1981, the Companies (Application of Laws) Act 1981, the Futures Industry (Application of Laws) Act 1986 and the Securities Industry (Application of Laws) Act 1981. The arrangements which these acts supported have been superseded, initially with a uniform legislation scheme in 1991 and subsequently by the referral of powers to the Commonwealth and Commonwealth legislation.

The bill strengthens the legal profession regulatory regime by amending the Legal Profession Act 2007 to provide that the liquidation or external administration of an incorporated legal practice is a show-cause event and suitability matter for its legal practitioner directors.

The bill provides greater certainty in property transactions by amending the Property Law Act 1974 to prevent statutory instruments—apart from prescribed subordinate legislation—from rendering void, unenforceable or subject to termination contracts or dealings with property that are made or entered into contrary to the statutory instrument.

The definition of 'relevant child' under the Public Guardian Act 2014 is amended to clarify that the Public Guardian can exercise their functions and powers from the time the Department of Communities, Child Safety and Disability Services files an application with the Children's Court to obtain an order under the Child Protection Act 1999 to when an application is finalised and/or an order, intervention or agreement is no longer in place for that child.

The bill includes a number of other amendments to the Court Funds Act 1973, Evidence Act 1977, Justices Act 1886, Industrial Relations Act 1999, Magistrates Court Act 1921, Penalties and Sentences Act 1992, Professional Standards Act 2004, Queensland Civil and Administration Tribunal Act 2009, Referendums Act 1997, Supreme Court Library Act 1968, Telecommunications Interception Act 2009 and Trusts Act 1973.

This bill is about making sure we continue to revitalise front-line services. It shows the strong plan the Newman LNP government has had over the past 2½ years that will continue with a strong team—all benefiting Queensland because we ultimately will have a stronger Queensland because of these laws. I commend the bill to the House.

### **First Reading**

**Hon. JP BLEIJIE** (Kawana—LNP) (Attorney-General and Minister for Justice) (4.03 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** (Mr Krause): Order! In accordance with standing order 131, the bill is now referred to the Legal Affairs and Community Safety Committee.

### **Portfolio Committee, Reporting Date**

**Hon. JP BLEIJIE** (Kawana—LNP) (Attorney-General and Minister for Justice) (4.04 pm), by leave, without notice: I move—

That under the provisions of standing order 136 the Legal Affairs and Community Safety Committee report to the House on the Justice and Other Legislation Amendment Bill by 2 February 2015.