




Speech By
Peter Russo
MEMBER FOR TOOHEY

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JUSTICE AND OTHER LEGISLATION AMENDMENT BILL

 **Mr RUSSO** (Toohey—ALP) (2.28 pm): I rise to speak in support of the Justice and Other Legislation Amendment Bill 2019. In its report No. 60, which was tabled in this assembly on 21 February 2020, the Legal Affairs and Community Safety Committee recommended to the assembly that the bill be passed. The principle objectives of the bill are 'to amend criminal and civil law legislation within the justice portfolio to provide for fairness, legislative clarity and improved administration of justice and operational efficiency in court and government processes'. To achieve these broad policy objectives, the bill proposes to amend approximately 33 acts and four regulations.

A key amendment of this bill is to ensure all inquests come within the ambit of the Coroners Act 2003. The bill addresses issues identified by the State Coroner and highlighted in the Queensland Auditor-General's coronial services report. A significant amendment to the Coroners Act will mean that regardless of when the death or disappearance or suspected death occurred, the bill will provide a discretionary power for a coroner to stop an inquest that is currently being heard under the repealed Coroners Act 1958 without concluding the inquest or making any findings and to reopen the inquest under the current act.

The committee heard from the department that the effect of the current transitional provisions is that there is a hard core of remaining cases that have not received the benefit of the modern coronial regime and remain unresolved. By reopening the inquest under the current act, this would enable the coroner the power to require a witness to give evidence at that inquest even if that would tend to incriminate the witness. Witnesses will no longer be able to claim privilege against self-incrimination.

Another key amendment under this act is to allow suitably qualified persons such as forensic pathologists, or someone under the supervision of a pathologist or a doctor, to perform certain preliminary examinations upon a death being reported to a coroner. The list of preliminary examinations that will be allowed is listed in the bill, but includes actions such as taking and testing of samples of body fluids such as blood, urine and saliva. These preliminary actions will allow those deaths that do not require a coronial inquest to be identified quickly and triaged out of the coronial system at an early stage. It is also proposed under these amendments to require the keeping of specimen tissues which under the 1958 act was not a requirement. If there was old specimen tissues stored in certain circumstances, the bill provides that old specimen tissue can be retained indefinitely. These proposed key amendments would support the coroners by providing them with extended powers to investigate deaths, disappearances or suspected deaths and to allow the coroners to potentially provide answers to families and friends.

The Attorney-General advised that the bill includes some key amendments to the Criminal Code to simplify and clarify the operation of existing provisions and make procedural enhancements to increase efficiency in the criminal justice system. The amendments will clarify jurisdiction and improve the administration of the court.

Clause 49 of the bill will amend section 359E, punishment for unlawful stalking, of the Criminal Code to clarify that the circumstance of aggravation applies to unlawful stalking directed at a law enforcement officer when or because the officer is investigating the activities of a criminal organisation. Clauses 53 and 54 propose to amend the Criminal Code to enable an accused person's lawyer to make a written application under section 652 to transmit charges for summary matters on behalf of the accused to be dealt with in a higher court.

To improve the accessibility of the criminal law, clauses 163, 165 and 167 of the bill propose to relocate the sentencing principle at section 4 of the Penalties and Sentences Regulation 2015 into section 9, 'Sentencing guidelines', of the Penalties and Sentences Act, and clarifying and improving the administration of the Land Court Act 2000 with related amendments to the Mineral Resources Act and its procedures and processes, including for the recommendatory jurisdiction and for the Magistrates Courts Act 1921 to clarify that the jurisdiction of those courts includes personal actions for the recovery of chattels. Amendments to the Queensland Civil and Administrative Tribunal Act 2009 address the unnecessarily heavy administrative burden on the department by removing the necessity to remake each member's appointment instrument every time the members' remuneration or allowances change.

The bill proposes to insert a new definition for 'criminal activity' in section 33 of the Peace and Good Behaviour Act. This definition will provide that disorderly activity includes criminal activity that is likely to pose a risk to the safety of a member of the public. The bill would amend Part 8 of the Retail Shop Leases Act to enable an appropriately qualified person to be appointed as a mediator in the framework for resolution of retail tenancy disputes.

While the bill proposes amendments to multiple acts associated with the administration of justice in Queensland, these amendments were identified during periodic reviews of the relevant portfolio acts or by administering agencies and justice portfolio stakeholders. I support the committee's recommendation that the amendments, as proposed in the Justice and Other Legislation Amendment Bill 2019, be passed. I commend the bill to the House.