




Speech By
Hon. Jann Stuckey

MEMBER FOR CURRUMBIN

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

 **Hon. JA STUCKEY** (Currumbin—LNP) (Minister for Tourism, Major Events, Small Business and the Commonwealth Games) (4.05 pm): I rise to contribute to the Queensland Civil and Administrative Tribunal (Justices of the Peace) Amendment Bill 2013 introduced by the Attorney-General and Minister for Justice, the honourable member for Kawana, on 19 March this year. As we have heard, this bill amends the Queensland Civil and Administrative Tribunal Act 2009 and the Queensland Civil and Administrative Regulation 2009. As other honourable members have indicated, as has the Attorney, prior to the March 2012 election the LNP pledged to trial an expansion of the role of justices of the peace for minor civil disputes. This was reaffirmed in the Newman government's six-month action plan for January to June of 2013. The bill before us fulfils that commitment and is a significant achievement towards reducing the court and tribunal backlog in the Queensland judicial system. I would like to say that I found the honourable member for Ipswich's contribution most enlightening, with some interesting history woven through it, especially about the involvement of lay people.

The LNP government acknowledges the importance of JPs in our community who provide a voluntary and substantial contribution. To this end, we are keen to provide JPs the opportunities to improve, develop and expand their role in society, especially in a state as vast and decentralised as Queensland. The positive outcomes of this bill are twofold. Not only does this demonstrate a deserving recognition of the importance of JPs; it goes a long way to assisting the courts and tribunals to clear their hefty backlogs.

The bill legislates the ability of a two-person JP panel, one of whom must be legally qualified—a lawyer—to hear certain minor civil disputes in the Queensland Civil Administrative Tribunal, QCAT. These minor civil disputes will be for the value of \$5,000 or less and will include items very common to many members in this House such as non-urgent residential tenancy disputes; tree and dividing fence disputes—I have to say that is a very common occurrence in my electorate—minor debts; consumer and trader disputes; claims about damage arising from motor vehicle accidents; and repairs for defects in motor vehicles. Like me, I am sure that all honourable members are aware of the frequency of these disputes and the anxiety they cause to constituents when they drag on for months, if not years, without any resolution.

This trial is intended to run for six months from 3 June 2013 and will take place in Brisbane, Ipswich, Southport, Maroochydore and Townsville. As the Attorney-General highlighted in his introductory speech, based on 2011-12 applications it is estimated that 3,750 to 4,000 applications will come within the parameters of the trial over that period. I am sure everyone would agree that this is a very large number of cases that make up the minor, less complex matters only and allow QCAT the time and capacity to hear more complex issues. This will also go a long way towards improving clearance rates for minor civil disputes. This panel of two JPs will have one legally qualified JP who

will preside and decide on the questions of law arising and give reasoning for these decisions. Should the two JPs disagree, the one presiding will decide the matter. This approach is consistent with the QCAT Act. The JPs' decision will be subject to appeal to the QCAT appeal tribunal, with leave.

The daily sitting fee payable to QCAT JPs will be \$100 for both JPs. Originally it was proposed that the fee would be \$75 for legally qualified JPs and \$37 for the other JP. Following extensive consultation with the community this was increased to \$100 for all JPs. The Department of Justice and Attorney-General stated that the fee is intended to reflect the essentially voluntary nature of a JP. I am very pleased to say that there has been a keen interest in this program, with the first round of consultation attracting 35 legally qualified applicants and 107 non-legally qualified applicants as at Friday, 15 March. As this new-to-Queensland initiative is a trial only, following the six-month period an evaluation will occur and a decision on the program's future, along with the format of the program if it is to be continued, will be decided. I note that the Legal Affairs and Community Safety Committee report made four recommendations.

Notably, there are approximately 80,000 JPs and commissioners for declarations state-wide. These respected citizens provide an invaluable service to the community and are in high demand, with many giving up their valuable time on weekends as well as weekdays to assist the community. Like many electorates across our great state, we frequently have people visiting our electorate office seeking a JP and we are able to direct them to local shopping centres where JPs visit on a regular basis—almost daily in the case of my local shopping centre—and there they are able to witness important documents. There is also a steady stream of constituents that travels through the electorate office wishing to become a JP and it is great to see them wanting to give back to their communities. It is little wonder there are well over 500 JPs in my electorate of Currumbin.

I would also like to acknowledge those long-serving JPs—be it 10, 25 or 50 years—who have freely given of their time to assist members in their community. I am always pleased when the opportunity arises to present constituents with their certificates of service and be able to thank them for their many years of dedicated efforts. In fact, this coming Friday I have a local constituent, Valerie Aumann, coming into my office to celebrate 25 years as a JP. What a remarkable effort.

I understand that some critics have expressed concerns with provisions in this bill stating that it takes away the power or the authority from the court system. However, the reverse is the case. By allowing JPs to hear certain minor disputes, the courts are essentially given greater time and resources to focus on the more serious matters that our courts must truly decide.

The introduction of this trial combined with changes to the way JPs are trained are part of the revitalisation of the JP branch in Queensland and will place a strong emphasis on working proactively with local JPs, assisting them in their roles and allowing them to continue to provide a service to our community in the most efficient way possible. Again I place on record my appreciation to our JPs for the invaluable role that they play and the contribution they make to our community as keepers of the peace, just as King Richard I, 'Richard the Lion-Heart', intended in the late 12th century.

May I congratulate the Attorney-General on this legislation, which is a common-sense, practical and cost-effective approach to dealing with the backlogs evident in our courts and tribunals whilst providing our JPs the opportunity to develop their role in our communities.