

# **Corrective Services and Other Legislation Amendment Bill 2008**

## **Explanatory Notes for Amendments to be moved during consideration in detail by the Honourable Judy Spence MP**

### **Title of the Bill**

Corrective Services and Other Legislation Amendment Bill 2008

### **Objectives of the Amendments**

The objectives of the amendments are to correct technical and drafting matters in the Corrective Services and Other Legislation Amendment Bill 2008 (the Bill).

### **Reasons for the Amendments**

The amendments seek to ensure the effective operation and administration of the victim trust fund provisions. The amendments are consistent with fundamental legislative principles.

### **Consultation**

The Office of the Queensland Parliamentary Counsel, the Department of the Premier and Cabinet and the Department of Justice and Attorney-General has been consulted in preparing the amendments.

## **Notes on Provisions**

Amendment 1 omits the definition of legal costs from section 319J of the Bill.

Amendment 2 amends section 319P of the Bill to provide for the protected defendant to transfer an award of relevant money to the public trustee within one month after the protected defendant knows the amount of the relevant money that is required by an Act of the State or the Commonwealth to be paid to someone else or is satisfied that none of the relevant money is required by an Act of the State or the Commonwealth to be paid to someone else.

Amendment 3 amends section 319Q (1) of the Bill to require the public trustee to provide a receipt to the protected defendant within 14 days after the public trustee receives the victim trust fund from the protected defendant.

Amendment 4 inserts a new subsection (3) in section 319Q to provide that the public trustee must give a copy of the receipt provided to the protected defendant in section 319Q (1) to the chief executive at the same time.

Amendment 5 amends section 319T to require the chief executive to provide written notice to the potential claimant, within one month after receiving a copy of the receipt referred to in section 319Q, of the matters set out in 319T(1)(a) to (e).

Amendment 5 also amends section 319T of the Bill to clarify that the person to whom relevant money has been awarded is the relevant person for the purposes of Part 12A and 12B and new Chapter 7A.

Amendment 6 amends section 319W of the Bill to allow a potential claimant to commence proceedings on a victim claim against the relevant person within 6 months after the chief executive gives the written notice referred to in section 319T.

Amendment 7 amends section 319X of the Bill to clarify that the rights conferred by this section on a person who has a victim claim will apply where they have started a proceeding in a court on the claim against the relevant person within 6 months after the chief executive sends the notice referred to in section 319T.

Amendment 7 further amends section 319X of the Bill to allow the person who has a victim claim to give the public trustee written notice of the proceedings within 6 months after the chief executive gives the written notice referred to in section 319T.

Amendment 8 also amends section 319X of the Bill to require the public trustee to give a copy of the written notice or the further details received

under section 319X(2) to the chief executive within 14 days after receiving the notice or the details.

Amendment 9 amends section 319ZD of the Bill to require the public trustee to pay collection entities within 3 months after giving notice to the collection entities under section 319ZB (2).

Amendment 10 amends section 319ZH of the Bill to clarify that for the purposes of this section legal costs means amounts that a person has been or may be charged by, or is or may become liable to pay to, a law practice for the provision of legal services including interest on the amounts and disbursements and interest on disbursements.

Amendment 11 amends section 319ZL of the Bill to clarify that for the purposes of this section legal costs means amounts that a person has been or may be charged by, or is or may become liable to pay to, a law practice for the provision of legal services including interest on the amounts, but not including disbursements or interest on the disbursements.

Amendment 12 amends Schedule 4 to omit the definition of legal costs due to the changes to sections 319ZH and 319ZL.