

# **Explanatory Notes**

## **FOR**

## **Amendments To Be Moved During Consideration In Detail By The Honourable Yvette D'Ath MP**

### **Title of the Bill**

Crime and Corruption Amendment Bill 2015

### **Objectives of the Amendments**

The proposed amendments will amend the *Queensland Civil and Administrative Tribunal Act 2009* (QCAT Act) and the *Queensland Civil and Administrative Tribunal Regulation 2009* (QCAT Regulation) to provide for the continuation of the trial whereby Justices of the Peace (JPs) hear particular minor civil dispute matters in the Queensland Civil and Administrative Tribunal (QCAT).

The provisions in Chapter 4, Part 4B of the QCAT Act, that commenced on 14 May 2013, facilitate an initiative where JPs (one of whom must be legally qualified) hear particular minor civil dispute matters (up to the value of \$5000) including residential tenancy disputes, dividing fence disputes, minor debts and consumer and trader disputes.

The arrangements whereby JPs constitute QCAT to hear certain minor civil disputes are designed to contribute to the objectives of QCAT to deal with matters in a way that is accessible, fair, just, economical, informal and quick.

These provisions will expire at the end of 13 May 2016 pursuant to section 206BB of the QCAT Act and section 20 of the QCAT Regulation.

The proposed amendments will extend these provisions by a further six months.

### **Achievement of the Objectives**

While the existing expiry provisions in section 206BB QCAT Act provide for a regulation to extend the period before expiry of Chapter 4, Part 4B, this was limited to not more than 3 years after the commencement of that section. As the section commenced on 14 May 2013, a regulation cannot extend the provisions any further.

## **Alternative Ways of Achieving Policy Objectives**

The policy objectives can only be achieved through legislative amendment.

## **Estimated Cost for Government Implementation**

Funding for the JP QCAT trial is subject to the normal budget processes.

## **Consistency with Fundamental Legislative Principles**

The amendments are consistent with fundamental legislative principles.

## **Consultation**

There was broad support for the introduction in 2013 of the amendments to the QCAT Act and QCAT Regulation to facilitate the trial whereby JPs constitute QCAT for particular minor civil dispute matters.

There has not been any consultation on the proposed amendments to extend the expiry period until 13 November 2016.

## **NOTES ON PROVISIONS**

*Amendment 1* inserts new Parts 2A and 2B (clauses 45A to 45D) in the Crime and Corruption Bill 2015.

Part 2A amends the *Queensland Civil and Administrative Tribunal Act 2009* (QCAT Act).

Clause 45A states that this part amends the QCAT Act.

Clause 45B omits and replaces section 206BB from Chapter 4, part 4B, division 6.

This section currently provides for the expiry of Chapter 4, part 4B of the QCAT Act which facilitates the tribunal being constituted by JPs to hear certain minor civil disputes.

New section 206BB will now provide that the provisions in Chapter 4, Part 4B will expire on 13 November 2016.

Part 2B amends the *Queensland Civil and Administrative Tribunal Regulation 2009* (the QCAT Regulation).

Clause 45C states that this part amends the QCAT Regulation.

Clause 45D omits section 20 in Part 5 from the QCAT Regulation. The current section 206BB (2) QCAT Act (to be omitted by Amendment 1) enables the former expiry provisions to be extended by regulation. Section 20 of the QCAT Regulation extended the former expiry period to 13 May 2016. Pursuant to the formula in section 206BB of the QCAT Act the expiry period cannot be further extended by regulation and there is no facility under the proposed new amendments to extend the expiry period in Chapter 4, Part 4B of the QCAT Act by regulation amendment.

The provisions in Part 5 of the QCAT Regulation provide for the prescribed locations where QCAT can be constituted by JPs, the daily sitting fee payable to QCAT JPs and the expiry provisions.

Current section 19 of the QCAT Regulation provides for the provisions in Part 5 to expire on the day Chapter 4, Part 4B of the QCAT expires. This means Part 5 will expire on 13 November 2016.

*Amendment 2* amends the long title of the Crime and Corruption Bill 2015 to reflect that the Bill also amends the QCAT Act and the QCAT Regulation.