

Court and Civil Legislation Amendment Bill 2017

Explanatory Notes

FOR

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

Title of the Bill

Court and Civil Legislation Amendment Bill 2017

Objectives of the Amendments

The Court and Civil Legislation Amendment Bill 2017 (Bill) was introduced on 23 March 2017.

On 15 May 2017, the Legal Affairs and Community Safety Committee (Committee) tabled Report No. 55 on the Bill. The Committee Report contains only one recommendation, being that the Bill be passed.

The Bill amends the *Queensland Civil and Administrative Tribunal Act 2009* (QCAT Act) to streamline the procedural requirements for enforcing a final decision of the Queensland Civil and Administrative Tribunal (QCAT).

In its submission to the Committee on the Bill, the Anti-Discrimination Commission Queensland (ADCQ) sought an amendment to make it clear that the process for enforcing QCAT's final decisions includes an agreement filed with QCAT under section 164 or section 189 of the *Anti-Discrimination Act 1991* (AD Act).

The proposed amendments to the Bill are in response to the ADCQ submission and to clarify that an agreement filed with QCAT under section 164 or 189 of the AD Act is enforceable as if it is a final decision of QCAT.

Achievement of the Objectives

Amendments to the Bill are required to achieve the policy objective.

Alternative Ways of Achieving Policy Objectives

The policy objectives can only be achieved through amendment of the Bill.

Estimated Cost for Government Implementation

There are no implementation costs for government.

Consistency with Fundamental Legislative Principles

The amendments are consistent with fundamental legislative principles.

Consultation

The amendments are in response to a submission by the Anti-Discrimination Commission of Queensland to the Legal Affairs and Community Safety Committee.

NOTES ON PROVISIONS

Amendment 1 inserts a new clause 10A to amend the AD Act by inserting into the Schedule a new definition to clarify that an *order*, of the tribunal, in relation to an agreement recorded in a document filed under section 164 or 189 of the AD Act means: (a) if the document is filed with the industrial relations commission – a decision of the commission under the *Industrial Relations Act 2016*; or (b) if the document is filed with QCAT – a final decision of QCAT in a proceeding under the QCAT Act.