

CABINET MINUTE

DECISION NO.

BRISBANE, 24 / 2 / 19 86

48145

SUBJECT: Proposed Amendment to the Small Claims Tribunals

Act 1973-1985.

(Submission No. 43400)

Copies Received at 12 00

a.m.

20 / 2 / 19 86

Mr. Skyring

p.m.

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2	SIR JOH BJELKE-PETERSEN		22	Justice	
3	MR. GUNN		23	Sol-Grl 31	Copy of relevant submission attached
4	MR. HINZE		24	Part 1 30	Copy of relevant submission attached
5	MR. WHARTON	afu	25	Summary	
6	MR. GIBBS		26	1986	
7	MR. AHERN		27		
8	MR. LANE		28		
9	MR. GLASSON		29		
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R E S T R I C T E D

C A B I N E T M I N U T E

Copy No. 20

Brisbane, 24th February, 1986

Decision No. 48145

Submission No. 43400

TITLE: Proposed Amendment to the Small
Claims Tribunals Act 1973-1985.

CABINET decided:-

That approval be granted for the preparation of a Bill to amend the Small Claims Tribunals Act 1973-1985 to provide that each Stipendiary Magistrate, including an Acting Stipendiary Magistrate, shall without further appointment, be a Referee of the Small Claims Tribunals.

CIRCULATION: Department of Justice and copy to Minister.
Solicitor-General.
Parliamentary Counsel.
The Honourable the Leader of the House.
All other Ministers for perusal and return.

Certified True Copy



Robert
Secretary to Cabinet.



Submission No. _____

Copy No. _____

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FOR CABINET

RE: PROPOSED AMENDMENT TO THE SMALL CLAIMS
TRIBUNALS ACT 1973-1985

1. Section 5 of the Small Claims Tribunals Act 1973-1985 provides for the appointment of Referees to Small Claims Tribunals throughout the State.

In its present form, Section 5 reads as follows:

"The Governor in Council may appoint such number of Referees of Small Claims Tribunals as he considers necessary for the proper functioning of those Tribunals throughout the State.

Every appointment shall be made under and in accordance with the Public Service Act 1922-1976 and every person so appointed shall hold his appointment subject to that Act.

A person appointed as a Referee may hold that office in conjunction with any other office held by him in the Public Service of Queensland."

2. One Referee has been appointed by Governor in Council to the position in Brisbane, and it has been the practice to appoint all Stipendiary Magistrates as Referees.
3. Further, Clerks of the Court are, as a matter of practice, appointed as Tribunal Referees while acting as Stipendiary Magistrates.
4. An unnecessary administrative burden has been created because each Acting Stipendiary Magistrate must be appointed by Governor in Council to act as a Tribunal Referee. It would be considerably more efficient to provide for such appointment by way of legislative amendment.

I RECOMMEND that Cabinet approve the preparation of a Bill to amend the Small Claims Tribunals Act 1973-1985 to provide that each Stipendiary Magistrate, including an Acting Stipendiary Magistrate, shall without further appointment, be a Referee of the Small Claims Tribunal.

N.J. HARPER
Minister for Justice
and Attorney-General.

BRISBANE,
20th February, 1986