Queensland Law Society

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Office of the President

23 March 2026

Our ref: MC:BC

Committee Secretariat
Justice, Integrity and Community Safety Committee
Parliament House
George Street
Brisbane Qld 4000

**By email**: [redacted]

Dear Committee,

**Justice and Other Legislation Amendment Bill 2026 (Bill)**

Thank you for the opportunity to provide a submission in response to the parliamentary committee inquiry into the Bill.

This response has been prepared with the assistance of several of the Queensland Law Society's (**the Society**) legal policy committees.

Our comments are limited to the matters outlined below. Please note if we have not commented on a particular aspect of the Bill, the absence of comment should not be taken as an endorsement of those provisions.

**Disrupting metal theft**

The Society notes that there is significant overlap between what is intended to be captured by the proposed metal theft offence provisions and existing offences in the Criminal Code, including stealing (s398), burglary (s419), wilful damage (s269) and entering or being in premises and committing indictable offences (s431). These extant provisions already provide offence provisions that capture the permutations of metal theft related offending contemplated in Clauses 39 – 41 and 54. In our view, the kind of offending perpetrated by individuals involved in metal theft comes within the ambit of those existing offences.

The Society also notes the significant maximum penalties proposed for the new provisions. While we acknowledge high maximum penalties are used as a means of deterring offending behaviour, we are concerned that the proposed penalties are, in many cases, substantially higher than those that apply to comparable existing criminal offences. Criminal sanctions and high maximum penalties often play a limited role in the prevention of criminal offending.

In respect of the on selling of unlawfully obtained metal items, while there is sound policy rationale behind proposals requiring pawnbrokers and second-hand dealers to notify police of transactions and suspected stolen goods, the effectiveness of these notifications and record-keeping approaches is hampered by challenges in identifying suspected stolen metal and noncompliance.

**Increasing the monetary limit of the District Court's civil jurisdiction from $750,000 to $1.5 million**

The Society expresses broad support for increasing the District Court's monetary limit as well as a simplified enforcement warrant process for the District and Magistrates Courts, subject to the following.

1. Additional resources for the District Court

It is imperative that any change to the District Court's jurisdiction and workload is accompanied by appropriate increased resources for the Court if the reforms are to achieve their stated purpose of enhancing access to justice.

The explanatory notes do not outline what, if any, analysis has been undertaken of the matters in the Supreme Court (past and present) that are within the proposed new jurisdictional limit for the District Court, including with regard to duration and complexity, to ascertain whether the District Court is able to accommodate this workload going forward. If this data has not been obtained and analysed to determine what resources are likely to be needed for the District Court, we strongly recommend this occur as a priority.

The Society anticipates additional judicial, registry and administrative resources will be needed, especially in regional areas where matters would have previously been commenced in the Supreme Court in other locations.

Our members advise the District Court's commercial list is currently running well. It would be a poor outcome for parties if the additional matters were not able to be accommodated and run efficiently.

2. Cost recovery

The explanatory notes state that access to justice will be improved by lowering the costs of running civil matters for litigants and for the justice system as a whole. However, as set out below, it is unclear to us how this jurisdictional change will result in lowering costs for litigants (other than unsuccessful litigants). In our view, successful litigants affected by this change will be exposed to higher costs unless there is a comprehensive review of and amendments to the Scale of costs for the Supreme and District Courts in Schedule 1 of the *Uniform Civil Procedure Rules 1999* (**the Scale of costs**) and consideration of related materials.

For completeness, we acknowledge that certain costs in the District Court will be less than those in the Supreme Court (such as filing and setting down fees). However, the difference is marginal (i.e. in the nature of a few hundred dollars) and of no significance compared to legal costs.

As to a party's legal costs, they are very unlikely to be affected by any change in the jurisdiction. The issues, evidence and procedure are the same – whether commenced in the District or Supreme Court. The only area where costs can and will be materially impacted is in respect of costs recovery for successful litigants. At present, the change in jurisdiction will only benefit the unsuccessful party.

Practice Direction 22 of 2018 provides guidelines in respect of the calculation of general care and conduct under item 1 of the Scale of costs. The care and consideration uplift has the effect of increasing the amount otherwise recoverable by a successful party from an unsuccessful party under the Scale of costs. Matters up to $1.5 million, when in the Supreme Court, are assessed under items 3A or C of the Practice Direction, where the range before the uplift is 15-30%. With the change, matters up to $1.5 million will be in the District Court and captured under

3K and L at 10-25%, meaning that successful parties in the District Court in matters between $750,000 and $1.5 million will recover less of their costs than they would at present. That is, there will be a larger gap between the amount paid in legal costs and the amount recovered from the other party, meaning that litigation will be more rather than less expensive for this cohort of successful litigants. This cannot be the policy intent of the Government.

The proposed increase to the District Court's monetary limit is intended to reflect the reality of inflation. Although that is correct in terms of the jurisdictional limit, which has remained unchanged for 15 years, the inflationary effect on legals costs over that period should also be considered. In this regard, it is clear from a comparison of the Scale of costs as applied to matters in the District Court 15 years ago with the current Scale of costs, that the Scale has not kept pace with CPI. Successful litigants have been facing an ever-increasing exposure to costs that cannot be recovered from the unsuccessful party as a consequence of the Scale of costs not being routinely increased to reflect inflationary pressures.

Accordingly, unless and until the above matters are addressed, the only litigants that will arguably benefit from the proposed change to the jurisdictional limit will be unsuccessful litigants who will face a reduced exposure to adverse costs.

The Scale of costs should be brought up-to-date to better reflect current and developing legal practice and to provide more efficient and effective costs recovery for successful litigants. While this is not strictly a matter for the legislature, we call on the Government to fund a comprehensive review into the effectiveness of the Scales of costs, similar to the inquiry undertaken in the Victorian courts.

3. Assistance for litigants

Any change to the way courts operate will require assessment of any increased and unmet legal need. These reforms should be accompanied by increased resources for legal assistance, including for the coordination of pro bono legal services.

The reforms do not change the process and requirements for progressing civil claims and therefore, any real benefit for parties, particularly those who are self-represented, will only flow from the availability of legal assistance services so that people are supported by appropriate legal advice and representation.

Finally, we note litigants in Supreme Court matters in Brisbane (where there are legal representatives) currently benefit from use of the elodgement system. While we are aware a civil case management system for both the Supreme and District Courts is being developed, there will be lost efficiencies for those parties who will now need to commence in the District Court until the new system goes live. We urge the Government to commit the appropriate resources so that a 'fit for purpose' comprehensive system is available without further delay.

**Amendments to the Integrity Act – verbal advice**

The Bill amends the *Integrity Act 2009* to allow a designated person to obtain the Integrity Commissioner's advice verbally, rather than making a formal written request for advice. The Society broadly supports this reform to encourage people to seek advice. We recommend, however, that appropriate guidance be developed so that the circumstances in which verbal advice on ethics and integrity issues are made and given align with the policy intent outlined in the explanatory notes, that is, that such requests are intended for minor or non-complex matters.

If you have any queries regarding the contents of this letter, please do not hesitate to contact our Legal Policy team via policy@qls.com.au or by phone on [redacted].

Yours faithfully

[redacted]

Peter Jolly
**President**