

JUSTICE AND OTHER LEGISLATION (MISCELLANEOUS PROVISIONS) BILL 2002

EXPLANATORY NOTES FOR AMENDMENTS TO BE MOVED IN COMMITTEE

Item 1—amendment to clause 2 (Commencement)

The commencement provision is to be amended to retrospectively cure a technical drafting error in an amendment to section 222 of the *Justices Act 1886* that was inserted in the *Justice and other Legislation (Miscellaneous Provisions) Bill 2000*. (JLMP 2000) The substantive amendment is set out in item 6. The amendment to clause 2 allows the amendment to retrospectively commence on the commencement date of the JLMP 2000 Act to cure the technical defect from the date the provision came into effect.

Items 2 and 3—amendment to clause 10 (*District Court Act of Queensland Act 1967*)

Clause 10 is to be amended to replace references to the *District Court Act 1967* with its correct title of the *District Court of Queensland Act 1967*.

Item 4—*Electronic Transactions (Queensland) Act 2001*

Clause 16 is to be amended to provide a 2 year sunset provision for Acts in Schedule 1 Part 1 of the *Electronic Transactions (Queensland) Act 2001*. This amendment sunsets the exemption for compliance of Acts listed in the Schedule after 2 years. This sunset period ensures a review of the operation of the relevant Acts is completed and mechanisms for compliance are in place.

Item 5 Schedule 6 (*Acts Interpretation Act 1954*)

Schedule 6 is to be amended to include a further amendment to the *Acts Interpretation Act 1954*. This amendment alters the definition of "District Court judge" to mean "a judge of the District Court of Queensland". This reflects the new name of the District Court of Queensland.

Item 6 Schedule 6 (*Justices Act 1886*)

Schedule 6 is to be amended to include an amendment to section 222(2)(b) of the *Justices Act 1886*. This will cure a technical defect in the provision. This amendment was originally included in JLMP 2000. However, the Office of Parliamentary Counsel (OPC) discovered that the legislative instructions contained in the JLMP 2000 Bill were incorrect. The instruction in the Bill was to omit the amendment, and not insert the amendment. The proposed amendment retrospectively cures the problem from the date of its original commencement in JLMP 2000. Interestingly, the current reprint of the section appears correct, but OPC wish to correct the error in the interests of certainty.

Item 7 Schedule 6 (*Status of Children Amendment Act 2001*)

Schedule 6 is to be amended to include amendments to the *Status of Children Amendment Act 2001*. This Act was given assent in May 2001 to provide for uniform presumptions of parentage and parentage testing procedures. Commencement of the amendments have been delayed until the regulations that provide for the mechanics of the parentage testing procedures have been developed. In drafting the new regulation, OPC identified a slight inconsistency between the Act and the proposed regulation. Section 13 of the Amendment Act (that amends section 11A of the principal Act) is to be amended to remove this slight inconsistency. The amendments clarify that the nominated reporter of the laboratory where the parentage testing procedures are carried out is to give the parentage testing report to the Supreme Court and may be ordered by the Supreme Court to give evidence about the report. A definition of "nominated reporter" is also to be inserted in the definition section of the principal Act.