

Justice and Other Legislation Amendment Bill 2007

Explanatory notes for Amendments to be moved during consideration in detail by the Honourable Kerry Shine MP Attorney-General and Minister for Justice and Minister Assisting the Premier in Western Queensland

Title of the Bill

Justice and Other Legislation Amendment Bill 2007

Objectives of the Amendments

The amendments are intended :

- To amend new section 6, definition of “lawyer”, of the *Bail Act 1980* as contained in clause 9 of the Bill, to update a reference to an Act.
- To amend new section 53D of the *Magistrates Act 1991* as contained in clause 116 of the Bill, to provide that employees of public authorities have preserved employment rights if appointed as judicial registrars in the Magistrates Court.

Achievement of the Objectives

The Bill achieves the objectives by making amendments to the legislation as described below.

Estimated Cost for Government Implementation

Nil.

Consistency with Fundamental Legislative Principles

The amendments are consistent with fundamental legislative principles.

Consultation

The Chief Magistrate and Legal Aid Queensland were consulted on the amendment in clause 2.

Notes on Provisions

Clause 1 amends new section 6, definition of “lawyer”, of the *Bail Act 1980* as contained in clause 9 of the Bill. The amendment updates the reference to the *Legal Profession Act 2004* to the *Legal Profession Act 2007*.

Clause 2 amends new section 53D of the *Magistrates Act 1991* as contained in clause 116 of the Bill. New section 53D preserves the rights of a public service officer who is appointed as a judicial registrar. The amendment will apply the preservation of rights to a wider category of persons, employed by prescribed authorities. For maximum flexibility the amendment allows for the definition of “prescribed authority” to include any entity declared by regulation to be a prescribed authority for section 53D. Consistent with the absence of any compulsory retirement date for public authority employees, the reference to section 53N(1)(e) in subsection (3) has been removed. The inclusion of that reference would have excluded judicial registrars who retire at 65 from the rights granted by subsection (3).