

Justice and Other Legislation Amendment Bill 2008

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

The Justice and Other Legislation Amendment Bill 2008.

Objectives of the Amendments

The objective of the amendments is to clarify the Bill to ensure that it operates in the manner intended.

Consistency with Fundamental Legislative Principles

The amendments do not conflict with Fundamental Legislative Principles.

Consultation

There has been consultation with the Department of the Premier and Cabinet.

Notes on Provisions

Amendment 1 amends clause 14 to insert a new definition of “food donor” in section 38 of the *Civil Liability Act 2003*. The effect of the amendment is to remove the current requirement in the new section 38A, which is inserted by clause 15, for a food donor distributor to provide the food to a

community organisation. The new definition will allow the food donor protections to apply where an entity distributes donated food to another entity provided the relevant conditions in the definition and new section 38A are met. These conditions include, for example, that the food was distributed in good faith for a charitable, benevolent, philanthropic or similar purpose with the intention that the consumer of the food would not have to pay for it and the food was safe to consume when it left the distributor's possession.

Amendment 2 amends clause 15 consequential to Amendment 1.

Amendment 3 amends clause 38 to ensure that section 17 of the *District Court of Queensland Act 1967* allows a person who is, or has been, a judge of a Supreme Court of another State to be appointed as an acting judge of the District Court for a period of up to one year.

Amendments 4 and 5 amend clause 57 to ensure that long leave by the Queensland Workplace Rights Ombudsman is approved in the same manner as long leave by the president and vice-president of the Queensland Industrial Relations Commission.

Amendment 6 amends clause 73 to delete subsection (1) as it is no longer required.