



Queensland

Magistrates Regulation 2013

Explanatory Notes for SL 2013 No. 47

made under the

Magistrates Act 1991

General outline

Short title

Magistrates Regulation 2013.

Authorising law

Section 52 of the *Magistrates Act 1991* (the Act).

Policy objectives and the reasons for them

Under the *Statutory Instruments Act 1992*, the *Magistrates Regulation 2003* (the expiring regulation) is due to expire on 1 September 2013. The *Magistrates Regulation 2013* replaces and repeals the expiring regulation.

The Act provides for the offices of magistrates and judicial registrars and for their independence. Section 9(1) of the Act provides that a person appointed as a magistrate must not exercise any powers or functions of a magistrate unless they have taken and subscribed the oath prescribed by regulation (or if not prescribed by regulation, by another Act) or made and subscribed an affirmation in the form of that oath.

Section 53F(1) of the Act provides that a person appointed as a judicial registrar must not exercise any powers or functions of a judicial registrar

unless they have taken the oath, or made the affirmation, prescribed by regulation.

Achievement of policy objectives

The regulation sets out:

- the oath and affirmation for magistrates; and
- the oath and affirmation for judicial registrars.

The oaths and affirmations for magistrates and judicial registrars are consistent with the oath and affirmation for judges.

Consistency with policy objectives of authorising law

The regulation is consistent with the policy objectives of the Act.

Inconsistency with policy objectives of other legislation

The regulation is not inconsistent with the policy objectives of other legislation.

Benefits and costs of implementation

There are no costs associated with the implementation of this regulation.

Consistency with fundamental legislative principles

The regulation is consistent with fundamental legislative principles.

Consultation

The Chief Magistrate of Queensland was consulted during the development of the regulation.

The Regulatory Reform Branch (Queensland Treasury and Trade) was consulted in relation to the proposed regulation and confirmed that a Regulatory Assessment Statement is not required.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Justice and Attorney-General.

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