

Court and Civil Legislation Amendment Act 2017

Explanatory notes for SL 2018 No. 8

made under the

Court and Civil Legislation Amendment Act 2017

General Outline

Short Title

Proclamation to commence provisions of the *Court and Civil Legislation Amendment Act 2017*.

Authorising law

Sections 2(3)(a) to (d) of the *Court and Civil Legislation Amendment Act 2017* (Amendment Act) provide for Part 2, sections 149 to 151, section 153 and section 155 of the Amendment Act to commence by proclamation.

Policy objectives and the reasons for them

The objective of the Proclamation is to fix 16 February 2018 as the commencement date for the following provisions of the Amendment Act, which are not yet in force:

- Part 2 which amends section 20 of the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*, to streamline the appointment and revocation process for community justice group (CJG) members by allowing a written notice by the Minister to be given to a CJG member and for that notice be published on the Queensland Courts website, rather than requiring the appointment and revocation of these appointments to be by gazette notice;
- sections 149 to 151 and sections 153 and 155 - which amend the *Legal Aid Queensland Act 1997* to provide that the chief executive officer (CEO) of Legal Aid Queensland (LAQ) does not need to be a lawyer but instead a person who is appropriately qualified to perform the functions of the CEO; and make consequential amendments to ensure that if a non-lawyer CEO is appointed, the appointee's functions in relation to the provision of legal services and as holder of LAQ's principal practicing certificate are the responsibility of a LAQ lawyer with appropriate experience and qualifications.

Achievement of policy objectives

The above policy objectives are achieved by fixing 16 February 2018 as the commencement date for Part 2, sections 149 to 151, section 153 and section 155 of the Amendment Act.

Consistency with policy objectives of authorising law

The Proclamation is consistent with the objectives of the Amendment Act.

Inconsistency with policy objectives of other legislation

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

Benefits and costs of implementation

Through streamlining the process for the appointment of CJG members, the Amendment Act reduces the administrative burden on government without affecting the efficiency of the appointment process.

The Proclamation also gives effect to amendments that modernise the eligibility requirements for the CEO of LAQ.

There are no costs associated with implementing these amendments.

Consistency with fundamental legislative principles

The Proclamation is consistent with fundamental legislative principles.

Consultation

A self-assessment by the Department of Justice and Attorney-General has determined that a Regulatory Impact Statement is not required as the regulatory proposal is excluded under category (g) of the *Queensland Government Guide to Better Regulation* – regulatory proposals that are of a machinery nature.