

# **Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) (Community Justice Group Membership) Amendment Regulation 2018**

Explanatory notes for SL 2018 No. 9

made under the

*Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*

## **General Outline**

### **Short Title**

*Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) (Community Justice Group Membership) Amendment Regulation 2018*

### **Authorising law**

Section 71 of the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*.

### **Policy objectives and the reasons for them**

The purpose of the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) (Community Justice Group Membership) Amendment Regulation 2018* (Amendment Regulation) is to make consequential amendments to support streamlining 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 to be published on the Queensland Courts website, rather than requiring the appointment and revocation of these appointments to be by gazette notice.

### **Achievement of policy objectives**

Part 4 of the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984* (ATSIC Act) contains the regulatory framework for the establishment of statutory community justice groups (CJG).

The *Court and Civil Legislation Amendment Act 2017* (Amendment Act) received assent on 5 June 2017. Part 2 of the Amendment Act amends section 20 of the ATSIIC Act to provide that:

- the Minister may appoint the members of a CJG by publishing notice of the appointments on the Queensland Courts website and must give each member written notice of their appointment; and
- if the Minister decides that a member of a CJG is no longer eligible or suitable for appointment, the Minister must revoke the member's appointment by written notice given to the member and publish notice of the revocation on the Queensland Courts website.

Currently, these provisions provide that appointments, and revocation of appointments, to CJGs are through gazette notice, rather than publication of notice on the Queensland Courts website.

The schedules of the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Regulation 2008* (the Regulation) provide for the nomination and withdrawal of membership of CJGs by gazette notice, including particular rules for both the contents of the gazette notice and when the notice takes effect. There are 19 CJGs established under individual schedules to the Regulation.

To complement the amendments to section 20 of the ATSIIC Act, consequential amendments are required to references in the Regulation to gazette notices, which need to be omitted and replaced with provisions that align with the new process of providing a CJG member with written notice from the Minister and having that notice published on the Queensland Courts website.

## **Consistency with policy objectives of authorising law**

The Amendment Regulation is consistent with the objectives of the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*.

## **Inconsistency with policy objectives of other legislation**

The Amendment Regulation 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 Regulation reduces the administrative burden on government without affecting the efficiency of the appointment process.

## **Consistency with fundamental legislative principles**

The Amendment Regulation 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 (a) of the *Queensland Government Guide to Better Regulation* – regulatory proposals that make consequential amendments.