

Proclamation - Justice and Other Legislation Amendment Act 2023

Explanatory notes for SL 2024 No. 1

Made under the

Justice and Other Legislation Amendment Act 2023

General Outline

Short title

Proclamation commencing certain provisions of the *Justice and Other Legislation Amendment Act 2023*

Authorising law

Section 2 of the *Justice and Other Legislation Amendment Act 2023*

Policy objectives and the reasons for them

The objective of the proclamation is to commence certain provisions of the *Justice and Other Legislation Amendment Act 2023* (JOLA Act). The provisions commenced by the proclamation:

- amend the *Acts Interpretation Act 1954* (AIA) to clarify and simplify various provisions relating to the interpretation of Acts and statutory instruments;
- amend the *Legal Profession Act 2007* (LP Act) and the *Legal Profession Regulation 2017* (LP Regulation) to:
 - allow a law practice, the Queensland Law Society (QLS) and community legal centres to destroy or dispose of client documents in certain circumstances; and
 - provide for changed costs disclosure obligations for law practices (including an increase in the full costs disclosure threshold from \$1,500 to \$3,000); and
- make consequential amendments to other legislation following changes to the AIA (including omitting redundant definitions which are now located in the AIA, schedule 1).

Achievement of policy objectives

The policy objective is achieved by fixing the commencement dates of:

- 1 March 2024 for the provisions relating to changed costs disclosure obligations for law practices; and

- 1 February 2024 for the provisions relating to the destruction or disposal of client documents, the provisions amending the AIA, and the consequential amendments to other legislation.

Consistency with policy objectives of authorising law

The proclamation is consistent with the policy objectives of the JOLA 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

Commencing the specified provisions of the JOLA Act will clarify, strengthen and update legislation concerning the administration of justice. The commencement of the provisions is not expected to present any additional costs for government.

Consistency with fundamental legislative principles

The proclamation is consistent with fundamental legislative principles.

Consultation

The QLS and the Legal Services Commission were consulted in relation to the commencement of the JOLA Act provisions amending the LP Act and the LP Regulation.

An Impact Analysis Statement has been completed that identifies that the proclamation is not subject to regulatory impact assessment requirements under the Queensland Government Better Regulation Policy as it is a regulatory proposal that is machinery in nature commencing provisions of the JOLA Act.