

# Proclamation—Justice and Other Legislation Amendment Act 2023

Explanatory notes for SL 2024 No. 17

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 part 14 of the *Justice and Other Legislation Amendment Act 2023* (JOLA Act), which amends the *Justices of the Peace and Commissioners for Declarations Act 1991*. The provisions commenced by the proclamation:

- clarify and modernise the provisions relating to qualification for, and disqualification from, office as a Justice of the Peace (JP) or Commissioner for Declarations (Cdec);
- provide for the approval of a code of conduct for JPs and Cdecs;
- enable the chief executive to suspend, and appoint an investigator to investigate the conduct of, JPs and Cdecs, with the investigation report to be provided to the Attorney-General for the purpose of deciding whether or not to recommend to the Governor in Council that the JP or Cdec be removed from office;
- provide for the continuous criminal history monitoring of JPs and Cdecs post-appointment by the Queensland Police Service;
- provide a reasonable excuse defence for persons who inadvertently breach the offence of acting as a JP or Cdec without holding such office because they did not know, and could not reasonably be expected to have known, that they did not hold the office; and
- provide that anything done by a person in their purported capacity as a JP or Cdec is not invalid only because, at the time the thing was done, the person was not validly appointed, or the person's appointment had lapsed, was suspended, or had otherwise ended.

## **Achievement of policy objectives**

The policy objective is achieved by fixing 1 April 2024 as the day for the commencement of part 14 of the JOLA Act.

## **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 part 14 of the JOLA Act will provide for improved appointment, disqualification, complaints and other regulatory processes and enhanced conduct standards for JPs and Cdecs.

The commencement of part 14 of the JOLA Act will not present any significant additional costs for government.

## **Consistency with fundamental legislative principles**

The proclamation is consistent with fundamental legislative principles.

## **Consultation**

Various associations representing JPs and Cdecs in Queensland (JP Associations) were consulted in relation to the amendments to the *Justices of the Peace and Commissioners for Declarations Act 1991* in part 14 of the JOLA Act.

The JP Associations consulted were broadly supportive of the amendments.