

# Justices of the Peace and Commissioners for Declarations Amendment Regulation 2024

Explanatory notes for SL 2024 No. 18

Made under the

*Justices of the Peace and Commissioners for Declarations Act 1991*

## General Outline

### Short title

*Justices of the Peace and Commissioners for Declarations Amendment Regulation 2024*

### Authorising law

Section 40 of the *Justices of the Peace and Commissioners for Declarations Act 1991*

### Policy objectives and the reasons for them

Part 14 of the *Justice and Other Legislation Amendment Act 2023* (JOLA Act), which commences on proclamation, amends the *Justices of the Peace and Commissioners for Declarations Act 1991* (JP Act) to enhance appointment, disqualification and complaints processes and conduct standards for Justices of the Peace (JPs) and Commissioners for Declarations (Cdecs).

Part 14 of the JOLA Act includes amendments to the JP Act to:

- clarify and modernise the provisions relating to qualification for, and disqualification from, office as a JP or Cdec; and
- provide for the approval of a code of conduct for JPs and Cdecs.

The *Justices of the Peace and Commissioners for Declarations Regulation 2017* (JP Regulation) provides for various matters including procedures in relation to applications for appointment as a JP or Cdec, and approved training courses that must be completed while holding office as a JP or Cdec.

The policy objectives of the *Justices of the Peace and Commissioners for Declarations Amendment Regulation 2024* (JP Amendment Regulation) are to amend the JP Regulation to support the effective operation of amendments to the JP Act contained in part 14 of the JOLA Act.

## **Achievement of policy objectives**

The JP Amendment Regulation achieves these objectives by amending the JP Regulation to:

- update procedures for applying for appointment as a JP or Cdec to ensure consistency with the new appointment process under the JP Act;
- update requirements for completion of an approved training course while holding office as a JP or Cdec;
- update requirements for an application by a transitional office holder to be registered as a Cdec;
- approve the code of conduct for JPs and Cdecs made by the chief executive on 7 February 2024; and
- remove redundant provisions and make other minor and technical amendments relating to the approval of forms and the payment of fees.

The JP Amendment Regulation commences on 1 April 2024 concurrently with the amendments to the JP Act in part 14 of the JOLA Act.

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

The JP Amendment Regulation is consistent with the policy objectives of the JP Act.

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

The JP Amendment Regulation is not inconsistent with the policy objectives of other legislation.

## **Benefits and costs of implementation**

The JP Amendment Regulation will ensure the provisions of the JP Regulation are consistent with the new provisions of the JP Act in relation to applications for appointment as a JP or Cdec, approved training courses and the approval of a code of conduct for JPs and Cdecs.

The JP Amendment Regulation will not present any significant additional costs for government.

## **Consistency with fundamental legislative principles**

The JP Amendment Regulation 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 JP Act in part 14 of the JOLA Act and were broadly supportive of those amendments.

Further consultation did not occur on the JP Amendment Regulation given the amendments are of a minor and consequential nature.