

Magistrates Regulation 2023

Human Rights Certificate

Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 41 of the *Human Rights Act 2019* (HR Act), I, the Honourable Yvette D'Ath MP, Attorney-General and Minister for Justice and Minister for the Prevention of Domestic and Family Violence, provide this human rights certificate with respect to the *Magistrates Regulation 2023* (the Regulation) made under the *Magistrates Act 1991*.

In my opinion, the Regulation, as tabled in the Legislative Assembly, is compatible with the human rights protected by the HR Act. I base my opinion on the reasons outlined in this statement.

Overview of the Subordinate Legislation

The *Magistrates Act 1991* (Act) provides for the offices of magistrates and judicial registrars. Section 9(1) of the Act provides that a person appointed as a magistrate or acting magistrate must not exercise any powers or functions of a magistrate unless they have taken and subscribed the oath prescribed by regulation (or if not prescribed by regulation, by another Act) or made and subscribed an affirmation in the form of that oath.

Section 53F(1) of the Act provides that a person appointed as a judicial registrar or acting judicial registrar must not exercise any powers or functions of a judicial registrar unless they have taken the oath, or made the affirmation, prescribed by regulation.

The oaths and affirmations for magistrates and judicial registrars are prescribed in the *Magistrates Regulation 2013*, which is due to expire on 1 September 2023 under section 54 of the *Statutory Instruments Act 1992*.

The Regulation repeals and replaces the *Magistrates Regulation 2013*.

The oaths and affirmations in the Regulation have been updated to reflect the recent change of Sovereign.

Human Rights Issues

The Regulation does not affect or engage a human right.

Conclusion

I consider that the *Magistrates Regulation 2023* is compatible with the HR Act because it does not affect or engage a human right.

YVETTE D'ATH MP
Attorney-General and Minister for Justice
and Minister for the Prevention of Domestic and Family Violence

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