

# Proclamation—Justice and Other Legislation Amendment Act 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, Leanne Linard MP, Acting 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 proclamation made under the *Justice and Other Legislation Amendment Act 2023* (JOLA Act).

In my opinion, the proclamation 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 proclamation commences part 14 of the 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.

### Human Rights Issues

#### Human rights relevant to the subordinate legislation (Part 2, Division 2 and 3 HR Act)

I have considered each of the rights protected by part 2 of the HR Act. In my opinion, the proclamation does not engage or limit human rights.

## Conclusion

I consider that the proclamation is compatible with the HR Act because it does not limit human rights.

**LEANNE LINARD MP**  
Acting Attorney-General and Minister for Justice and  
Minister for the Prevention of Domestic and Family Violence

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