

Justices of the Peace and Commissioners for Declarations Amendment Regulation 2024

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

In my opinion, the Amendment 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

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 making 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 purpose of the Amendment Regulation is to amend the JP Regulation to support the effective operation of amendments to the JP Act contained in part 14 of the JOLA Act. The Amendment Regulation achieves this purpose by:

- updating procedures for applying for appointment as a JP or Cdec to ensure consistency with the new appointment process under the JP Act;
- updating requirements for completion of an approved training course while holding office as a JP or Cdec;
- updating requirements for an application by a transitional office holder to be registered as a Cdec;
- approving the code of conduct for JPs and Cdecs made by the chief executive on 7 February 2024; and

- removing redundant provisions and making other minor and technical amendments relating to the approval of forms and the payment of fees.

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

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 Amendment Regulation does not engage or limit human rights.

Conclusion

I consider that the Amendment Regulation 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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