

MAGISTRATES AMENDMENT BILL 2003

AMENDMENTS IN COMMITTEE

EXPLANATORY NOTES

General Outline

Objectives of the amendments

The amendments in committee to the *Magistrates Amendment Bill 2003* have the following purpose:

- To amend the definitions of “south east Queensland Magistrates Courts districts” and “regional Queensland” to remove references to “Petrie”. Petrie is included in the Caboolture Magistrates Courts district.
- To make technical amendments to the terms of appointment of acting magistrates.

Reasons for the objectives and how they will be achieved

On 28 March 2003, section 6 of the *Magistrates Act 1991* which relates to the appointment of acting magistrates was amended. Prior to amendment, section 6 did not require the appointee to be appointed for any specific period and the practice had been for clerks of the court to be appointed as acting magistrates for an indefinite period of time. Their appointments were activated in accordance with the needs of the Magistrates Courts, with clerks of the court acting as directed by the Chief Magistrate.

Section 6 stipulates that the appointment “may be for a specified period or for a specified matter”. Accordingly, it appears that after 28 March 2003, the appointment of an acting magistrate was required to be for either a specific period or a specific matter. The proposed amendments confirm that clerks of the court appointed prior to 28 March 2003 continue to be

appointed in accordance with the terms of their appointment even though the appointment may not have been for a specified period or matter.

Administrative cost to Government of implementation

Implementation of the amendments will involve no cost to Government.

Consistency with Fundamental Legislative Principles

Do the amendments have sufficient regard for the rights and liberties of individuals?

The proposed amendments are largely consistent with fundamental legislative principles outlined in section 4 of the *Legislative Standards Act 1992*. The amendments confirming the appointment of acting magistrates are retrospective. However, they are of a technical nature and do not significantly affect the rights and liberties of individuals.

CONSULTATION

Community

The Chief Magistrate has been consulted in relation to the proposed amendments.

Government

The Department of the Premier and Cabinet has been consulted. The Crown Solicitor has advised in relation to the appointment of acting magistrates.

NOTES ON AMENDMENTS

Amendment 1 amends clause 8 of the Bill to remove “Petrie” from the definitions of “south east Queensland Magistrates Courts districts” and “regional Queensland”. There is no need for these definitions to refer to Petrie which is part of the Caboolture Magistrates Courts district.

Amendment 2 inserts transitional provisions to confirm the appointment of clerks of the court appointed as acting magistrates before 28 March 2003. The appointments are confirmed as continuing even though the appointments may not have been for a specific period or matter.