

Justice and Other Legislation Amendment Bill 2010

Explanatory Notes for amendments to be moved during consideration in detail by the Honourable Cameron Dick MP Attorney-General and Minister for Industrial Relations

Title of the Bill

Justice and Other Legislation Amendment Bill 2010.

Objectives of the Amendments

The objectives of the amendments are to:

- provide that any person who is currently appointed to act as a Magistrate under section 6(1)(g) of the *Magistrates Act 1991*, and who will turn 70 years prior to the end of the term of his or her appointment, will continue to be eligible to act as a Magistrate for the term of his or her current appointment after the commencement of section 148 of the Justice and Other Legislation Amendment Bill 2010 (the Bill); and
- clarify the pension entitlements of industrial commissioners who work part-time.

Achievement of the Objectives

The objectives are achieved by way of amendments to the *Magistrates Act 1991* and the *Industrial Relations Act 1999*.

Estimated Cost for Government Implementation

There are no costs to government in implementing the amendments.

Consistency with Fundamental Legislative Principles

The amendments are consistent with fundamental legislative principles.

Consultation

The Deputy Chief Magistrate was consulted about the amendment to the *Magistrates Act 1991*.

Notes on Provisions

Clause 1 amends clause 114 of the Bill, which makes provision for how pension benefits are to be calculated for members of the Queensland Industrial Relations Commission who are appointed or perform the functions of office on a part-time basis. The amendment clarifies that a member who has completed the qualifying period for a pension under the Judges (Pensions and Long Leave) Act 1957, or the equivalent period in part-time service, is entitled to have their benefit under that Act calculated on their full-time salary.

Clause 2 amends clause 153 (Insertion of new pt 10, div 7) to change the word 'provision' to 'provisions'. This is because clause 153 will now include two new provisions, not one.

Clause 3 amends clause 153 (Insertion of new pt 10, div 7) to include a new section 66 (Tenure of office of particular acting magistrates). This new section provides that where a retired magistrate is appointed to act as a Magistrate under section 6 of the Magistrates Act 1991, that the appointment of that person will remain in force despite the person may become ineligible to act as a Magistrate because that person attains the age of 70.