



LAPCSESC  
Law Reform  
Submission 022

11 January 2012

ABN 41 009 666 559

## QUEENSLAND JUSTICES ASSOCIATION

ESTABLISHED 1918

Ms Barbara Stone MP

Chair of the Legal Affairs, Police, Corrective Services and Emergency Services Committee  
Parliament House  
George Street  
Brisbane Qld 4000

Dear Ms Stone

Thank you for your letter of 21 December 2011 consulting Queensland Justices Association (QJA) on a range of matters relating to your committee. QJA has answered the propositions that are relevant to Justices of the Peace and Commissioners for Declarations (honorary justices). QJA has declined to comment on matters in which it does not have expertise.

We look forward to the outcome of the consultation.

### ***Identification Laws Amendment Bill 2011***

QJA agrees with the proposal that honorary justices, who have the responsibility of verifying a person's identity should be able to request that a person removes face coverings that may hamper the recognition of a person.

JPs and C.Decs are required to be confident that the person who is presented to them with documents is the person who is entitled to sign the document and is assured as to their identity. Clothing that obscures a person's identity could compromise this process.

### ***Law Reform Amendment Bill 2011***

#### ***Penalties and Sentences Act 1992***

No comment.

#### ***Criminal Code***

JPs authorise search warrants for the suspected mistreatment of animals, however has no role to play in the sentencing, therefore QJA declines to comment.

#### ***Evidence Act 1977***

QJA has no objections in clarifying the court's jurisdiction upon appeal.

### ***Justices Act 1886***

QJA has no objections to allow Magistrates courts to conduct certain proceedings via audio-visual facilities. If the roles of JP (Quals) or JP (Mag Crts) are expanded, we expect that we would be able to access this technology also.

### ***Justices of the Peace and Commissioner for Declarations Act 1991***

QJA has no objections to allowing the register to be maintained in electronic form and to allow the Registrar to exempt appointees from gazettal in appropriate cases, similar to silent electoral role listings. However, QJA is of the view that the full addresses of newly-appointed honorary justices should be published (apart from in the aforementioned circumstances), as they were in 2009. This enables Justices Associations to support newly-appointed honorary justices as soon as possible. Justices Associations are best placed to market the benefits of membership directly to potential members, because they know what they have to offer honorary justices better than anybody else. The current system where the Department of Justice & Attorney-General – JP Branch simply recommends a number of Justices Associations by listing names and contact details to new honorary justices is unsatisfactory, because it denies Justices Associations the opportunity to speak for themselves to their target market.

### ***Jury Act 1995***

No comment.

### ***Land Court Act 2000***

QJA has no objections to clarify the Court's jurisdiction and other matters.

### ***Magistrates Act 1991***

QJA has no objections in clarifying the powers of the Chief Magistrate, relating to Magistrates, acting Magistrates and Judicial registrars. QJA has recommended in consultation papers by the LNP and ALP that JP (Quals) who already volunteer in the magistrates court, or would like to, be able to upgrade to JP (Mag Crts), given appropriate training on low-level magistrates court matters.

### ***Queensland Civil and Administration Tribunal Act 2009***

QJA has no objections to the expansion of 'judicial member' to allow former judges who are senior to hear a broader range of matters. We are unsure as to what is meant by "ordinary members" or what the "broader matters" actually are. There may be a role for JP (Quals) and JP (Mag Crts) to play in hearing minor matters with QCAT. We suggest some of the forms developed by QCAT be more streamlined and perhaps QJA might be consulted on the developing of forms.

### ***Recording of Evidence Act 1962***

No comment, although any mechanism that promotes consistency of sentencing for like matters can objectively be viewed as positive.

***State Penalties Enforcement Act 1999***

No comment.

***Trustee Companies Act 1968***

No comment.

***Child Employment Act 2006***

No comment.

***Guide, Hearing and Assistance Dogs Act 2006***

No comment.

***Manufactured Homes (Residential Parks) Act 2003***

No comment.

Once again, thank you for the invitation to make a written submission to your committee. Please do not hesitate to contact us if there are any queries relating to the responses in any of the matters.

Yours sincerely

**Queensland Justices Association**

A handwritten signature in black ink, appearing to be 'Ray Burrows', written over a horizontal line.

*Ray* Ray Burrows  
President