




Speech By
Hon. Yvette D'Ath

MEMBER FOR REDCLIFFE

Record of Proceedings, 7 May 2015

MAGISTRATES AMENDMENT BILL

 **Hon. YM D'ATH** (Redcliffe—ALP) (Attorney-General and Minister for Justice and Minister for Training and Skills) (3.01 pm), in reply: I acknowledge and thank the honourable member for Mansfield for his contribution in the debate on the Magistrates Amendment Bill 2015. One of the most important institutions in our society is the justice system. It is as vitally important to ensure that there is proper administration of justice.

The recent discovery that the swearing in of some magistrates, acting magistrates and acting judicial registrars spanning the two-year period, 2013 to 2015, was flawed is a very serious matter that requires immediate rectification to minimise the risk of disruption and inconvenience to parties and the court. This situation stems from the move in 2013 to amend the Magistrates Regulation 2003 in an attempt to be more closely aligned with the higher courts. Unfortunately, it appears that, while the regulations were in fact changed, the changes were not reflected in the process or oath swearing for subsequent magistrates, acting magistrates and acting judicial registrars appointed between 12 April 2013 and 24 April 2015.

I again thank the Speaker, the opposition and crossbench for their support of the urgency motion for the debate of this bill to proceed today. I thank them for making themselves available this morning at short notice. I trust that they can appreciate my concern for the need to deal with this matter as soon as possible.

As stated in my introductory speech, the bill will validate the appointment and the exercise of the powers or functions of certain magistrates, acting magistrates and acting judicial registrars appointed during the period from and including 12 April 2013 to and including 24 April 2015 who have taken and subscribed an incorrect oath or made and subscribed an incorrect affirmation and validate the appointment and the exercise of the powers or functions of particular magistrates appointed before the commencement who may have failed to take and subscribe an oath or affirmation.

As noted in my introductory speech, the administrative oversight has no legal effect on the legal correctness of judgements and orders made by the relevant judicial officers. The bill will cure the current defects in the appointments of the relevant judicial officers and is essential to avoid disruption to the administration of justice in the Magistrates Court. Again, I thank the honourable member for his contribution today and for his assistance with facilitating the urgent debate of the bill.