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New South Wales

# **Judicial Officers Amendment Bill 1998**

## **Explanatory note**

This explanatory note relates to this Bill as introduced into Parliament.

### **Overview of Bill**

The *Judicial Officers Act 1986* currently provides that the Judicial Commission is to consist of six official members and two appointed members. Of the two appointed members, one is to be a person who, in the opinion of the Minister, has high standing in the community.

The object of this Bill is to amend the Act so as to increase by two the number of such community members on the Commission and to provide that community members are to be nominated following consultation by the Minister with the Chief Justice of the Supreme Court.

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## Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on a day to be appointed by proclamation.

**Clause 3** is a formal provision giving effect to the amendments to the *Judicial Officers Act 1986* set out in Schedule 1.

## Schedule 1 Amendments

Schedule 1 [1]–[3] amend section 5 of the Principal Act as outlined in the Overview above. Schedule 1 [5] makes a consequential amendment to Schedule 2 to the Principal Act relating to the quorum of the Commission. Schedule 1 [4] and [6] contain provisions of a savings and transitional nature.

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# Judicial Officers Amendment Bill 1998

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New South Wales

## Judicial Officers Amendment Bill 1998

No , 1998

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### **A Bill for**

An Act to amend the *Judicial Officers Act 1986* so as to provide for two additional community members of the Judicial Commission; and for other purposes.

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**The Legislature of New South Wales enacts:**

**1   Name of Act**

This Act is the *Judicial Officers Amendment Act 1998*.

**2   Commencement**

This Act commences on a day to be appointed by proclamation.            5

**3   Amendment of Judicial Officers Act 1986 No 100**

The *Judicial Officers Act 1986* is amended as set out in Schedule 1.



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## Schedule 1 Amendments

(Section 3)

**[1] Section 5 The Commission**

Omit "8" from section 5 (3). Insert instead "10".

**[2] Section 5 (3) (b)**

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Omit "2". Insert instead "4".

**[3] Section 5 (5) (b)**

Omit the paragraph. Insert instead:

(b) 3 are to be persons nominated following consultation by the Minister with the Chief Justice and who, in the opinion of the Minister, have high standing in the community.

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**[4] Section 56**

Insert after section 55:

**56 Savings and transitional provisions**

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Schedule 6 has effect.

**[5] Schedule 2 Provisions relating to procedure of Commission**

Omit "5" from clause 3. Insert instead "7".

**[6] Schedule 6 Savings and transitional provisions**

Insert after Schedule 5:

**Schedule 6 Savings and transitional provisions**

(Section 56)

**1 Regulations**

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- (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of the following Acts:

*Judicial Officers Amendment Act 1998*

- (2) Any such provision may, if the regulations so provide, take effect from the date of assent to the Act concerned or a later date. 10

- (3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as: 15

(a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or

(b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication. 20

**2 Existing appointed members**

A person who, immediately before the commencement of the amendments to section 5 made by the *Judicial Officers Amendment Act 1998*, held office as an 25



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appointed member of the Commission continues in office as if that member was appointed under that section as amended by that Act.