

LEGISLATIVE COUNCIL

Courts and Crimes Legislation Amendment Bill 2015

First print

Proposed amendments

No. 1 **Period of acting appointment—District Court**

Page 10, Schedule 3.2. Insert after line 33:

[4] Section 18 (2)

Omit the subsection. Insert instead:

- (2) In subsection (1), *qualified person* means a person who holds or has held a judicial office of this State or of the Commonwealth, another State or a Territory.

No. 2 **Period of acting appointment—District Court**

Page 11, Schedule 3.2, Explanatory note. Insert after line 4:

Item [4] provides that a person is qualified to be appointed as an acting judge only if the person holds or has held a judicial office of this State or of the Commonwealth, another State or a Territory.

No. 3 **Period of acting appointment—Industrial Relations Commission**

Page 11, Schedule 3.5. Insert after line 36:

[1] Schedule 2, clause 3 (1)

Omit “a person qualified for appointment as a judicial member (including an acting member of the Commission so qualified)”.

Insert instead “a person who holds or has held a judicial office of this State or of the Commonwealth, another State or a Territory”.

No. 4 **Period of acting appointment—Industrial Relations Commission**

Page 12, Schedule 3.5, Explanatory note, lines 4–6. Omit all words on those lines. Insert instead:

Item [1] of the proposed amendments to the *Industrial Relations Act 1996* provides that a person is qualified to be appointed as an acting judicial member only if the person holds or has held a judicial office of this State or of the Commonwealth, another State or a Territory.

Item [2] enables an acting member of the Industrial Relations Commission of New South Wales in Court Session to be appointed up to the age of 77 years. Currently, acting members are appointed up to the age of 75 years.

No. 5 **Period of acting appointment—Land and Environment Court**

Page 12, Schedule 3.6. Insert after line 12:

[2] Section 11 (2)

Omit the subsection. Insert instead:

- (2) In subsection (1), *qualified person* means a person who holds or has held a judicial office of this State or of the Commonwealth, another State or a Territory.

No. 6 **Period of acting appointment—Land and Environment Court**

Page 12, Schedule 3.6, Explanatory note. Insert after line 21:

Item [2] provides that a person is qualified to be appointed as an acting judge only if the person holds or has held a judicial office of this State or of the Commonwealth, another State or a Territory.

No. 7 **Period of acting appointment—Local Court**

Page 12, Schedule 3.7 [1], lines 28 and 29. Omit all words on those lines. Insert instead:

Omit section 16 (1). Insert instead:

- (1) The Governor may, by commission under the public seal of the State, appoint any qualified person to act as a Magistrate for a term not exceeding 5 years to be specified in the commission.
- (1A) In subsection (1), *qualified person* means a person who holds or has held a judicial office of this State or of the Commonwealth, another State or a Territory.

No. 8 **Period of acting appointment—Local Court**

Page 12, Schedule 3.7, Explanatory note, line 41. Insert “The item also provides that a person is qualified to be appointed as an acting magistrate only if the person holds or has held a judicial office of this State or of the Commonwealth, another State or a Territory.” after “12 months.”.

No. 9 **Period of acting appointment—Supreme Court**

Page 13, Schedule 3.8. Insert after line 9:

[2] Section 37 (2)

Omit the subsection. Insert instead:

- (2) In subsection (1), *qualified person* means a person who holds or has held a judicial office of this State or of the Commonwealth, another State or a Territory.

No. 10 **Period of acting appointment—Supreme Court**

Page 13, Schedule 3.8, Explanatory note. Insert after line 28:

Item [2] provides that a person is qualified to be appointed as an acting judge only if the person holds or has held a judicial office of this State or of the Commonwealth, another State or a Territory.