

DISTRICT COURT (JUDGES) AMENDMENT BILL 1987

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

This Bill is cognate with the Justices (Paper Committals) Amendment Bill 1987.

The object of this Bill is to amend the District Court Act 1973—

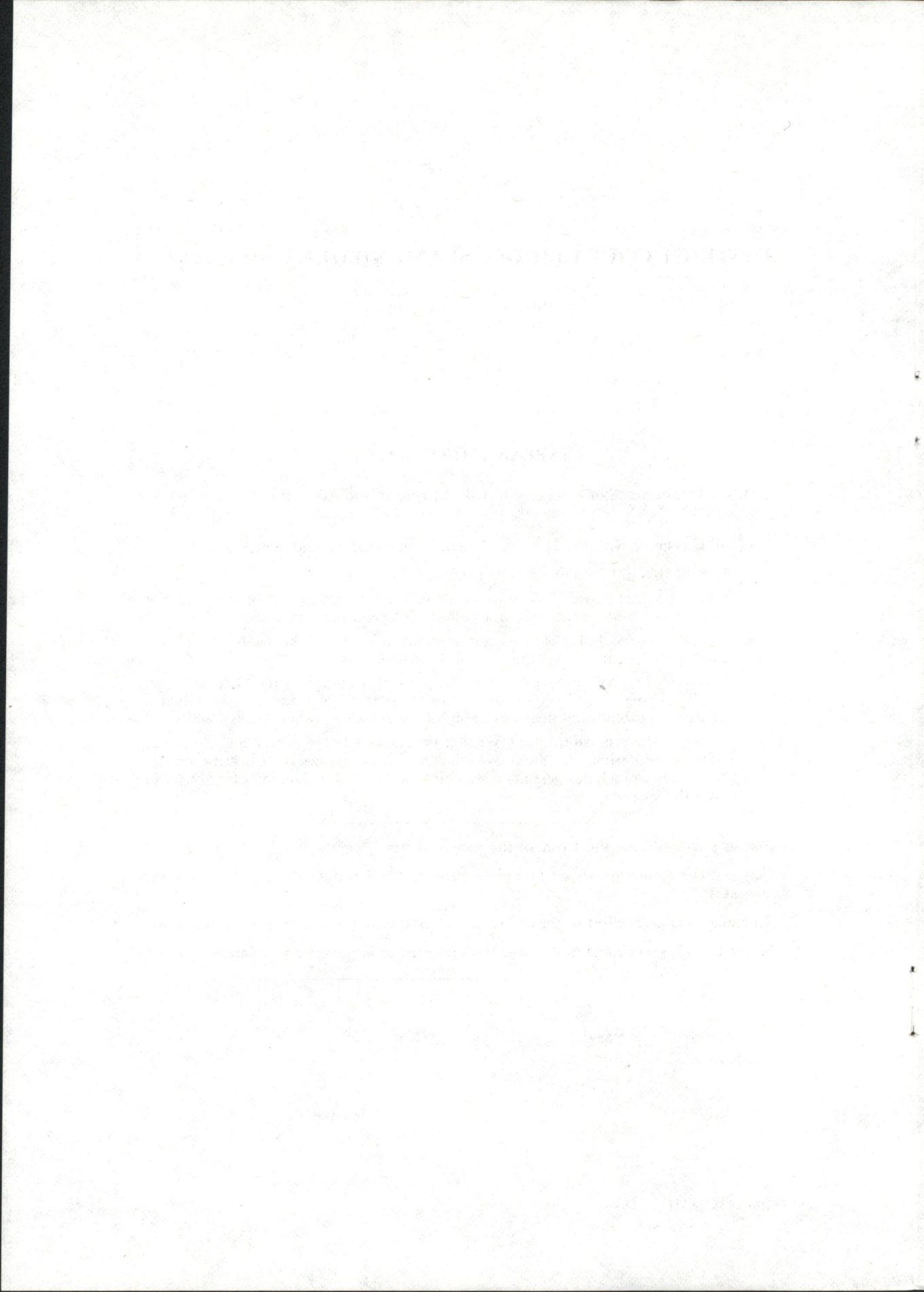
- (a) to enable acting Judges to be appointed to the District Court for a period not exceeding 12 months (instead of a period not exceeding 6 months);
- (b) to allow a retired Judge of any court who has not reached the age of 72 years to be appointed as an acting Judge of the District Court;
- (c) to remove the provision in the Act that prevents a Judge of the District Court from practising as, or being concerned in the practice of, a barrister or solicitor (the express prohibition does not apply to the Judges of other courts); and
- (d) to remove the provision in the Act that precludes a Judge from being elected as a member of Parliament (the provision is unnecessary since the Constitution Act 1902 already precludes persons from being elected if they hold an office of profit under the Crown).

Clause 1 specifies the short title of the proposed Act.

Clause 2 is a formal provision that gives effect to the Schedule of amendments to the Principal Act.

Schedule 1 (1) gives effect to the objectives referred to in paragraphs (c) and (d) above.

Schedule 1 (2) gives effect to the objectives referred to in paragraphs (a) and (b) above.



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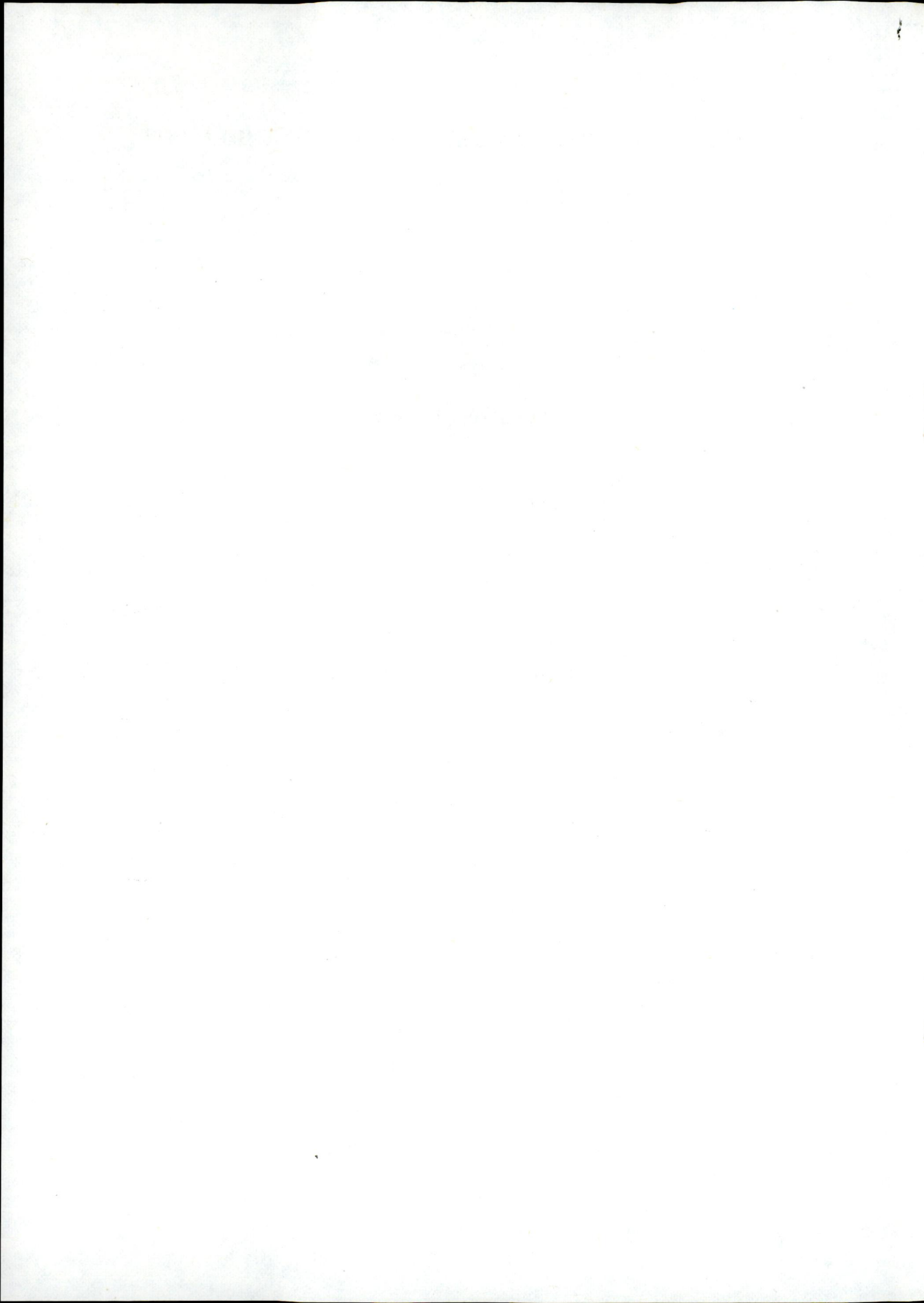
NEW SOUTH WALES



TABLE OF PROVISIONS

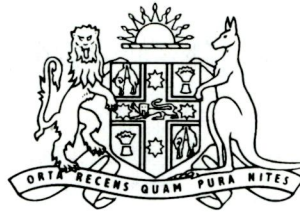
1. Short title
2. Amendment of Act No. 9, 1973

SCHEDULE 1—AMENDMENTS



DISTRICT COURT (JUDGES) AMENDMENT BILL 1987

NEW SOUTH WALES



No. , 1987

A BILL FOR

An Act to amend the District Court Act 1973 with respect to Judges of the District Court.

*District Court (Judges) Amendment 1987***The Legislature of New South Wales enacts:****Short title**

1. This Act may be cited as the District Court (Judges) Amendment Act 1987.

5 Amendment of Act No. 9, 1973

2. The District Court Act 1973 is amended as set out in Schedule 1.

SCHEDULE 1—AMENDMENTS

(Sec. 2)

(1) Section 14 (Judge's tenure)—

10 Section 14 (4)—
 Omit the subsection.

(2) Section 18 (Associate Judges)—**(a) Section 18 (1)—**

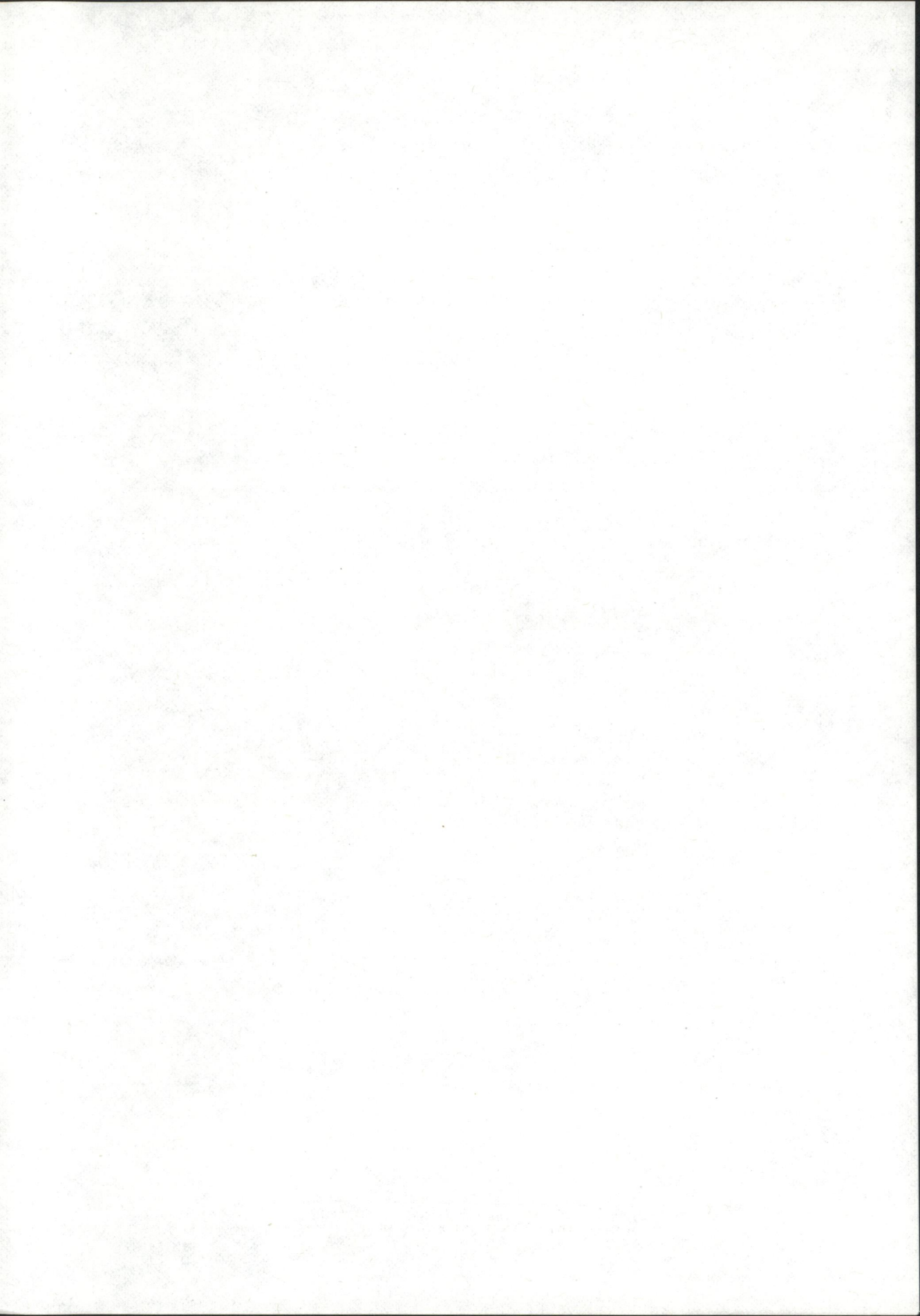
Omit "six months", insert instead "12 months".

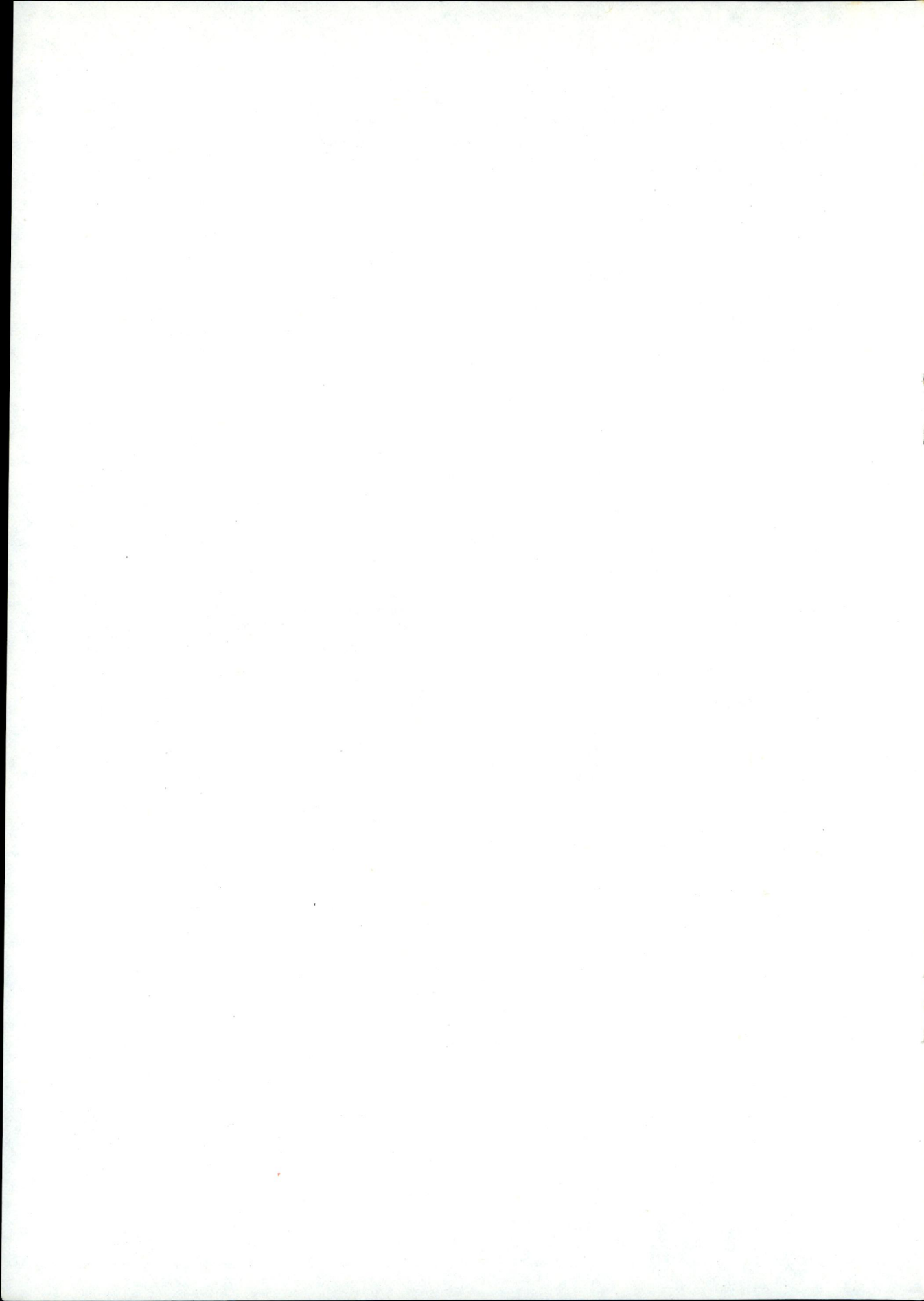
15 (b) Section 18 (4), (5)—

After section 18 (3), insert:

20 (4) A retired Judge of the District Court or of any other court
 may be so appointed even though the retired Judge has reached
 the age of 70 years, but may not be so appointed for any period
 that extends beyond the age of 72 years.

25 (5) The conditions or limitations specified in a commission
 under this section may exclude any part of the period of
 appointment from being regarded as a period served by the person
 in a prior judicial office within the meaning of section 8 (2) of the
 Judges' Pensions Act 1953.





DISTRICT COURT (JUDGES) AMENDMENT ACT 1987
No. 236

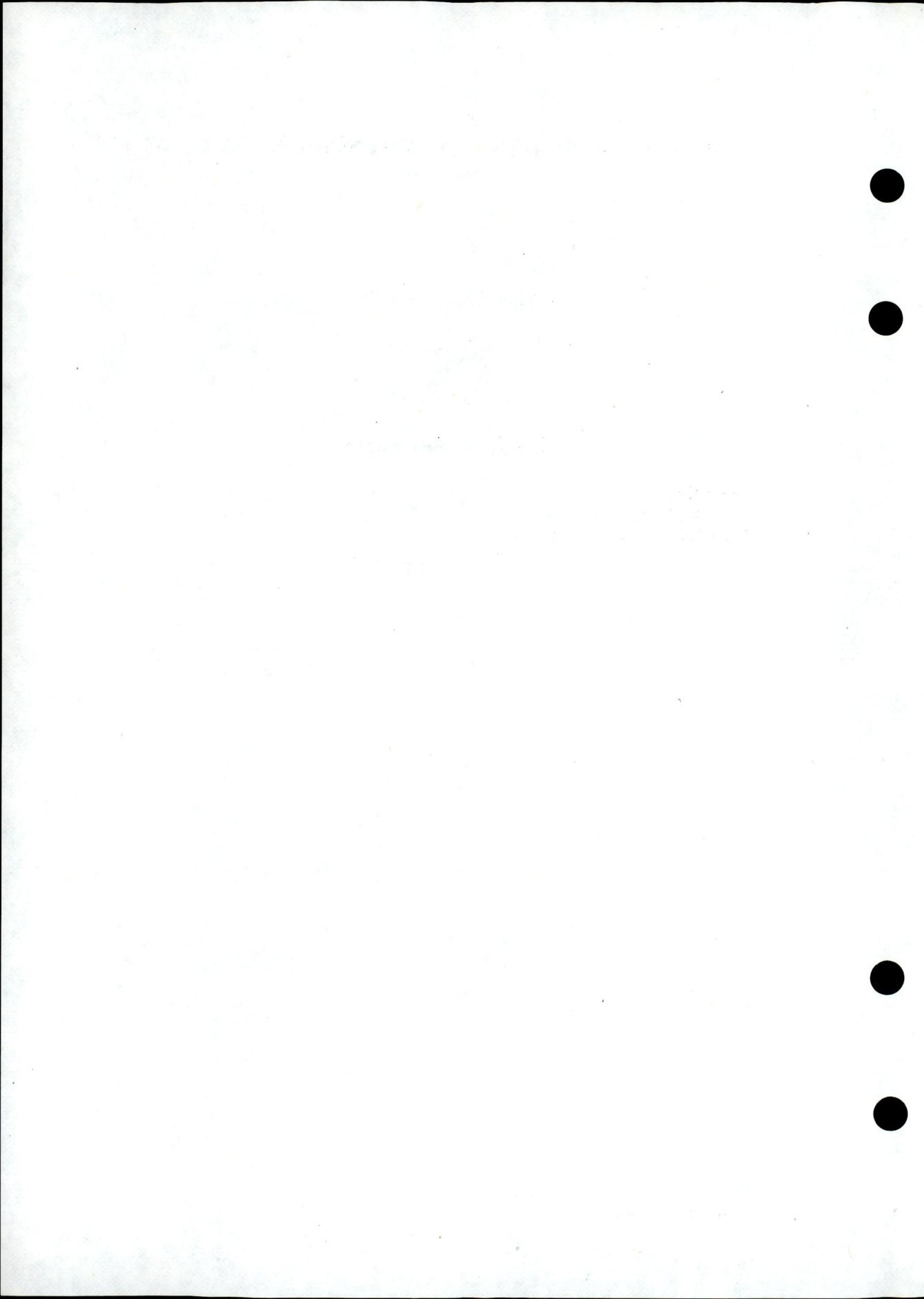
NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Amendment of Act No. 9, 1973

SCHEDULE 1—AMENDMENTS



DISTRICT COURT (JUDGES) AMENDMENT ACT 1987 No. 236

NEW SOUTH WALES



Act No. 236, 1987

An Act to amend the District Court Act 1973 with respect to Judges of the District Court. [Assented to 16 December 1987]

District Court (Judges) Amendment 1987

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the District Court (Judges) Amendment Act 1987.

Amendment of Act No. 9, 1973

2. The District Court Act 1973 is amended as set out in Schedule 1.

SCHEDULE 1—AMENDMENTS

(Sec. 2)

(1) Section 14. (**Judge's tenure**)—

Section 14 (4)—

Omit the subsection.

(2) Section 18 (**Associate Judges**)—

(a) Section 18 (1)—

Omit "six months", insert instead "12 months".

(b) Section 18 (4), (5)—

After section 18 (3), insert:

(4) A retired Judge of the District Court or of any other court may be so appointed even though the retired Judge has reached the age of 70 years, but may not be so appointed for any period that extends beyond the age of 72 years.

(5) The conditions or limitations specified in a commission under this section may exclude any part of the period of appointment from being regarded as a period served by the person in a prior judicial office within the meaning of section 8 (2) of the Judges' Pensions Act 1953.