

LOCAL COURTS ACT 1982—REGULATION

(Relating to seniority of Magistrates)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Local Courts Act 1982, has been pleased to make the Regulation set forth hereunder.

TERRY GRIFFITHS
Minister for Justice.

The Local Courts Regulation 1985 is amended:

- (a) by inserting in clause 8 (1) after the words “Deputy Chief Magistrates” the following words:
Designated Magistrates
- (b) by inserting after clause 8 (2) the following subclause:
 - (3) In this clause, “**Designated Magistrate**” means a Magistrate who is appointed to a public office specified in Schedule 1 to the Statutory and Other Offices Remuneration Act 1975 (other than the Chief Magistrate or a Deputy Chief Magistrate), being a public office having a salary more than that of other Magistrates (other than the Chief Magistrate or a Deputy Chief Magistrate).
- (c) by inserting after clause 9 (4) the following subclauses:
 - (5) A Designated Magistrate is senior to another Designated Magistrate if:
 - (a) the salary of the Designated Magistrate is more than that of the other Designated Magistrate; or

(b) if the salaries are equal—the appointment of the Designated Magistrate (as a Designated Magistrate) took effect on a day earlier than the day on which the appointment of the other Designated Magistrate (as a Designated Magistrate) took or takes effect.

(6) In subclause (5), “**Designated Magistrate**” has the same meaning as in clause 8 (3).

EXPLANATORY NOTE

At present, the order of seniority of Magistrates is Chief Magistrate, Deputy Chief Magistrates and Magistrates. The object of this Regulation is to distinguish certain Magistrates (who are appointed to a public office having a salary more than the salary of other Magistrates) by adding them to the order of seniority. These “Designated Magistrates” are senior to other Magistrates (except the Chief Magistrate and Deputy Chief Magistrates). The public offices concerned include Chairman of the Licensing Court, State Coroner, Chief Industrial Magistrate and Senior Children’s Magistrate.

The Regulation also provides that a Designated Magistrate is senior to another Designated Magistrate if the Designated Magistrate’s salary is higher than the other Designated Magistrate’s salary or, if the salaries are the same, the Designated Magistrate was appointed to the public office concerned before the other Designated Magistrate was appointed to the other public office.
