



New South Wales

Judicial Officers Amendment Act 2012 No 40

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New South Wales

Judicial Officers Amendment Act 2012 No 40

Act No 40, 2012

An Act to amend the *Judicial Officers Act 1986* in relation to the provision to the Attorney General of information about complaints against judicial officers; and for related purposes. [Assented to 21 June 2012]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Judicial Officers Amendment Act 2012*.

2 Commencement

This Act commences on the date of assent to this Act.

Schedule 1 Amendment of Judicial Officers Act 1986 No 100

[1] Section 37A

Insert after section 37:

37A Information about complaints to be provided to Minister

- (1) The Commission must, at the request of the Minister, provide the Minister with information that discloses the following in relation to a particular judicial officer:
 - (a) whether a complaint has been made, when a complaint was made and when the matter about which a complaint was made is alleged to have occurred,
 - (b) the subject-matter of the complaint,
 - (c) the stage of the procedure for dealing with a complaint that the complaint has reached,
 - (d) for a complaint that has been disposed of, the manner in which the complaint was disposed of.
- (2) However, the Commission is not required to provide information about a complaint against a particular judicial officer if the Commission considers it is not in the public interest to provide the information, unless the complaint has been referred to the Conduct Division.
- (3) The Commission must notify the Minister when a complaint about a judicial officer is referred to the Conduct Division and when and the manner in which such a complaint is disposed of (whether or not the Minister has requested information about the complaint).
- (4) The Commission may, when providing the Minister with information about a complaint against a judicial officer under this section, also provide other information that the Commission considers relevant.

[2] Schedule 6 Savings and transitional provisions

Insert at the end of clause 1 (1):

Judicial Officers Amendment Act 2012

[3] Schedule 6

Insert after Part 6:

**Part 7 Provision consequent on enactment of
Judicial Officers Amendment Act 2012**

8 Information about complaints to be provided to Minister

- (1) Section 37A, as inserted by the *Judicial Officers Amendment Act 2012*, extends to information relating to complaints made before the commencement of that Act.
- (2) Section 37A (3), as inserted by that Act, extends to complaints that were referred to the Conduct Division before the commencement of that Act but that were not disposed of as at the commencement of that Act.

Schedule 2 Amendment of Government Information (Public Access) Act 2009 No 52

Schedule 1 Information for which there is conclusive presumption of overriding public interest against disclosure

Insert after clause 12:

13 Information about complaints to Judicial Commission

It is to be conclusively presumed that there is an overriding public interest against disclosure of information provided by the Judicial Commission to the Minister administering the *Judicial Officers Act 1986* under section 37A of that Act.

[Second reading speech made in—

Legislative Assembly on 28 March 2012

Legislative Council on 23 May 2012]