



New South Wales

# Judicial Officers Amendment Bill 2012

## Explanatory note

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

## Overview of Bill

The object of this Bill is to amend the *Judicial Officers Act 1986* to require the Judicial Commission to provide the Attorney General with certain information about complaints made to the Commission about judicial officers.

The Bill also makes a consequential amendment to the *Government Information (Public Access) Act 2009*.

## 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 the date of assent to the proposed Act.

## Schedule 1      **Amendment of Judicial Officers Act 1986 No 100**

**Schedule 1 [1]** provides that the Judicial Commission (the *Commission*) must, at the request of the Attorney General, provide the Attorney General with certain

information about complaints made against a particular judicial officer. The Commission will not be required to provide information about a complaint against a particular judicial officer if it considers it is not in the public interest to provide the information, unless the complaint has been referred to the Conduct Division. The Commission must also notify the Attorney General when a complaint is referred to the Conduct Division and when, and the manner in which, such a complaint is disposed of (whether or not the Attorney General has requested information about the complaint).

**Schedule 1 [2]** enables savings and transitional regulations to be made as a consequence of the enactment of the proposed Act. **Schedule 1 [3]** contains a transitional provision.

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

**Schedule 2** provides that it is to be conclusively presumed that there is an overriding public interest against disclosure of information provided by the Commission to the Attorney General under the new provision.

First print



New South Wales

# Judicial Officers Amendment Bill 2012

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New South Wales

## Judicial Officers Amendment Bill 2012

No. , 2012

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### **A Bill for**

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.

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<b>The Legislature of New South Wales enacts:</b>	1
<b>1 Name of Act</b>	2
This Act is the <i>Judicial Officers Amendment Act 2012</i> .	3
<b>2 Commencement</b>	4
This Act commences on the date of assent to this Act.	5

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<b>Schedule 1</b>	<b>Amendment of Judicial Officers Act 1986</b>	1
	<b>No 100</b>	2
<b>[1] Section 37A</b>		3
Insert after section 37:		4
<b>37A Information about complaints to be provided to Minister</b>		5
(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:		6
(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,		7
(b) the subject-matter of the complaint,		8
(c) the stage of the procedure for dealing with a complaint that the complaint has reached,		9
(d) for a complaint that has been disposed of, the manner in which the complaint was disposed of.		10
(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.		11
(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).		12
(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.		13
<b>[2] Schedule 6 Savings and transitional provisions</b>		14
Insert at the end of clause 1 (1):		15
<i>Judicial Officers Amendment Act 2012</i>		16

<b>[3] Schedule 6</b>	1
Insert after Part 6:	2
<b>Part 7 Provision consequent on enactment of Judicial Officers Amendment Act 2012</b>	3 4
<b>8 Information about complaints to be provided to Minister</b>	5
(1) Section 37A, as inserted by the <i>Judicial Officers Amendment Act 2012</i> , extends to information relating to complaints made before the commencement of that Act.	6 7 8
(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.	9 10 11 12



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

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

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Insert after clause 12:

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**13      Information about complaints to Judicial Commission**

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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.

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