

JUDICIAL OFFICERS (AMENDMENT) BILL 1987

NEW SOUTH WALES



EXPLANATORY NOTE

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

The objects of this Bill are to amend the Judicial Officers Act 1986 so as—

- (a) to enable the Judicial Commission to appoint its own staff and consultants;
- (b) to constitute the Judicial Commission as a corporation; and
- (c) to increase to 72 years the maximum age of appointed members of the Judicial Commission,

and to make minor or consequential amendments.

Clause 1 specifies the short title of the proposed Act.

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

Clause 3 amends the Public Finance and Audit Act 1983, so as to make the Judicial Commission a statutory body to which certain provisions of that Act apply (including provisions relating to accounts, records, financial statements and audit).

Clause 4 is a transitional provision, relating to the proposed creation of the Judicial Commission as a corporation. The clause treats anything already done by the Commission as having been done by it in its corporate capacity.

Schedule 1 (1) amends section 3 (Interpretation) of the Principal Act. Section 3 (3), which at present provides that a reference to an office holder includes a person appointed to act in the office, is to be extended to cover cases where a person acts in the office without a formal appointment (e.g. the office of President of the Industrial Commission).

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Schedule 1 (2) constitutes the Judicial Commission as a corporation, so as to facilitate the exercise of its various functions, including its role as employer of its staff.

Schedule 1 (3) replaces the existing section 6 of the Principal Act. The new section will enable the Judicial Commission to employ its own staff (instead of their being appointed under the Public Service Act 1979), to arrange for the use of the staff or facilities of departments or authorities with the approval of the Minister responsible for the relevant department or authority, and to engage consultants. The Public Service Board is to have a role in the determination of remuneration, terms and conditions.

Schedule 1 (4) increases to 72 years the maximum age of appointed members of the Judicial Commission.

Schedule 1 (5) inserts a new Schedule 5 into the Principal Act. The new Schedule will preserve superannuation and other rights of staff of the Judicial Commission who were previously employed in the Public Service or in a similar service, and will enable their return to that service on ceasing to be members of the staff of the Commission.
