

# Judicial Officers Amendment Act 2012 No 40

[2012-40]



New South Wales

## Status Information

### Currency of version

Repealed version for 21 June 2012 to 21 June 2012 (accessed 22 November 2024 at 6:30)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Repeal**

The Act was repealed by sec 30C of the [Interpretation Act 1987 No 15](#) with effect from 22.6.2012.

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 22 June 2012

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# Judicial Officers Amendment Act 2012 No 40



New South Wales

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.

## 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.