

2008

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

---

(As presented)

(Mr Zed Seselja)

# Courts (Judicial Appointments) Amendment Bill 2008

## Contents

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	Page
<b>Part 1</b>	
<b>Preliminary</b>	
1 Name of Act	2
2 Commencement	2
<b>Part 2</b>	
<b>Magistrates Court Act 1930</b>	
3 Legislation amended—pt 2	3
4 New section 7AA	3
5 New section 8AA	3
6 New section 320A	4

## Contents

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	Page
7 Dictionary, new definition of <i>appropriate Legislative Assembly committee</i>	4
<b>Part 3</b>	
<b>Supreme Court Act 1933</b>	
8 Legislation amended—pt 3	5
9 New section 4AA	5
10 New section 40A	5
11 New section 75	6
12 Dictionary, new definition of <i>appropriate Legislative Assembly committee</i>	6

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## **Courts (Judicial Appointments) Amendment Bill 2008**

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### **A Bill for**

An Act to amend the *Magistrates Court Act 1930* and the *Supreme Court Act 1933*

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The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Courts (Judicial Appointments) Amendment*  
4 *Act 2008*.

5 **2 Commencement**

6 This Act commences on the day after its notification day.

7 *Note* The naming and commencement provisions automatically commence on  
8 the notification day (see Legislation Act, s 75 (1)).

## Part 2 Magistrates Court Act 1930

### 3 Legislation amended—pt 2

This part amends the *Magistrates Court Act 1930*.

### 4 New section 7AA

*before section 7A, insert*

#### 7AA Consultation with Assembly committee—magistrates

- (1) Before appointing a magistrate, the Executive must consult the appropriate Legislative Assembly committee (the *committee*).

*Note* Section 320A sets out what is the appropriate Legislative Assembly committee.

- (2) The committee may make a recommendation to the Executive about the proposed appointment.

- (3) The Executive must not make the appointment until the Executive has received a recommendation or 30 days have passed since the consultation took place, whichever happens first.

- (4) In making the appointment, the Executive must have regard to any recommendation made by the committee.

### 5 New section 8AA

*before section 8A, insert*

#### 8AA Consultation with Assembly committee—special magistrates

- (1) Before appointing a special magistrate, the Executive must consult the appropriate Legislative Assembly committee (the *committee*).

*Note* Section 320A sets out what is the appropriate Legislative Assembly committee.

- 1           (2) The committee may make a recommendation to the Executive about  
2           the proposed appointment.
- 3           (3) The Executive must not make the appointment until the Executive  
4           has received a recommendation or 30 days have passed since the  
5           consultation took place, whichever happens first.
- 6           (4) In making the appointment, the Executive must have regard to any  
7           recommendation made by the committee.

8           **6           New section 320A**

9           *insert*

10          **320A       Appropriate Legislative Assembly committee**

- 11           (1) The Speaker may nominate a standing committee of the Legislative  
12           Assembly to be the appropriate committee for this Act.
- 13           (2) If no nomination under subsection (1) is in effect, the appropriate  
14           committee is the standing committee of the Legislative Assembly  
15           responsible for the consideration of legal issues.

16          **7           Dictionary, new definition of *appropriate Legislative***  
17          ***Assembly committee***

18           *insert*

19           *appropriate Legislative Assembly committee* means the appropriate  
20           committee under section 320A.

## Part 3 Supreme Court Act 1933

### 8 Legislation amended—pt 3

This part amends the *Supreme Court Act 1933*.

### 9 New section 4AA

*before section 4A, insert*

#### 4AA Consultation with Assembly committee—resident judges

- (1) Before appointing a resident judge, the Executive must consult the appropriate Legislative Assembly committee (the *committee*).

*Note* Section 75 sets out what is the appropriate Legislative Assembly committee.

- (2) The committee may make a recommendation to the Executive about the proposed appointment.

- (3) The Executive must not make the appointment until the Executive has received a recommendation or 30 days have passed since the consultation took place, whichever happens first.

- (4) In making the appointment, the Executive must have regard to any recommendation made by the committee.

### 10 New section 40A

*insert*

#### 40A Consultation with Assembly committee—master

- (1) Before appointing the master, the Executive must consult the appropriate Legislative Assembly committee (the *committee*).

*Note* Section 75 sets out what is the appropriate Legislative Assembly committee.

- 1           (2) The committee may make a recommendation to the Executive about  
2           the proposed appointment.
- 3           (3) The Executive must not make the appointment until the Executive  
4           has received a recommendation or 30 days have passed since the  
5           consultation took place, whichever happens first.
- 6           (4) In making the appointment, the Executive must have regard to any  
7           recommendation made by the committee.

8           **11           New section 75**

9           *insert*

10          **75           Appropriate Legislative Assembly committee**

- 11           (1) The Speaker may nominate a standing committee of the Legislative  
12           Assembly to be the appropriate committee for this Act.
- 13           (2) If no nomination under subsection (1) is in effect, the appropriate  
14           committee is the standing committee of the Legislative Assembly  
15           responsible for the consideration of legal issues.

16          **12           Dictionary, new definition of *appropriate Legislative***  
17          ***Assembly committee***

18           *insert*

19           *appropriate Legislative Assembly committee* means the appropriate  
20           committee under section 75.



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## Endnotes

**1      Presentation speech**

Presentation speech made in the Legislative Assembly on      2008.

**2      Notification**

Notified under the Legislation Act on      2008.

**3      Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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