

2014

**THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY**

JUDICIAL COMMISSIONS AMENDMENT BILL 2014

EXPLANATORY STATEMENT

**Presented by
Simon Corbell MLA
Attorney-General**

Introduction

This explanatory statement relates to the Judicial Commissions Amendment Bill 2014 (the Bill) as presented to the Legislative Assembly. It has been prepared in order to assist the reader of the Bill and to help inform debate on it. It does not form part of the Bill and has not been endorsed by the Assembly.

The statement is to be read in conjunction with the Bill. It is not, and is not meant to be, a comprehensive description of the Bill.

Outline

Purpose of the Bill

The Bill will amend the *Judicial Commissions Act 1994* to create a statutory framework for handling low and medium level complaints against judges and magistrates in the ACT.

It establishes a part-time judicial council with powers to receive, investigate, and report to heads of jurisdiction or to the Attorney-General about complaints against judicial officers. The Attorney-General must refer complaints that he or she receives to the council as soon as practicable. In relation to complaints that do not warrant removal, but which the council decides require action, the council will oversee investigation of the complaint and report to the relevant head of jurisdiction on a recommended course of action to resolve or respond to the complaint. This would give the head of each jurisdiction a formal report and reasons for taking appropriate administrative measures.

The amendments will preserve the judicial commission regime by allowing the council to request the Executive to appoint a judicial commission to investigate a complaint, but only if the council believes that the complaint could, if substantiated, warrant the removal of a judicial officer from office.

Human Rights Considerations

The Bill engages, and places limitations on, the right to privacy and reputation (s 12) in the *Human Rights Act 2004* (the HRA).

The Bill also supports the rights to privacy and freedom of expression of people who make complaints against judicial officers.

The limits on human rights listed above are reasonable and justifiable in a free and democratic society for the purposes of section 28 of the HRA having regard to the factors set out below.

Human rights are subject to only reasonable limits which are demonstrably justifiable. Human rights may only be limited when the following relevant factors are considered:

- the nature of the right affected;
- the importance of the purpose of the limitation;
- the nature and extent of the limitation;
- the relationship between the limitation and its purpose; and

- the least restrictive means reasonably available to achieve the purpose the limitation seeks to achieve.¹

In ensuring that limitations on individual human rights are demonstrably justifiable, public authorities must act consistently within these rights. In making decisions, public authorities must give proper consideration to relevant human rights.² The judicial council meets the definition of public authority as an entity whose functions are or include functions of a public nature.³ Functions of a public nature include those conferred on the entity under a territory law, functions connected to or generally identified with functions of government, functions of a regulatory nature and whether the entity is publicly funded to perform the function.⁴

Under human rights laws, States have an obligation to their citizens of putting in place legislative and administrative frameworks designed to deter conduct that infringes human rights, and to activate measures to protect an individual who is at risk of suffering treatment that would infringe their rights.

When considering complaints against judicial officers, these obligations are satisfied through the adoption of appropriate laws and effective administration of the powers provided under the scheme.

Appropriate laws allowing procedural fairness to subjects of complaints, as well as protections to complainants, promotes confidence in the judiciary as they are subject to robust and transparent accountability mechanisms.

The right to fair trial

Section 21 of the HRA provides that:

- (1) Everyone has the right to have criminal charges, and rights and obligations recognised by law, decided by a competent, independent and impartial court or tribunal after a fair and public hearing.
- (2) However, the press and public may be excluded from all or part of a trial—
 - (a) to protect morals, public order or national security in a democratic society; or
 - (b) if the interest of the private lives of the parties require the exclusion; or
 - (c) if, and to the extent that, the exclusion is strictly necessary, in special circumstances of the case, because publicity would otherwise prejudice the interests of justice.
- (3) But each judgment in a criminal or civil proceeding must be made public unless the interest of a child requires that the judgment not be made public.

Section 21 gives effect to article 14 of the International Covenant on Civil and Political Rights (the ICCPR) and promotes the procedural fairness and natural justice of proceedings against a person.

While a hearing before the judicial council is not criminal in nature, it is nevertheless an adversarial process and engages the principles supporting the right to fair trial. The Bill engages and limits the right by providing that the hearing of a complaint by the judicial

¹ HRA, s 28.

² HRA, s 40B.

³ HRA, s 40.

⁴ HRA, s 40A.

council must be in private, unless the council decides on reasonable grounds that it is in the public interest for the hearing to be held in public.

The right to fair trial is a fundamental, but not absolute, human right and can be subject to limitations.

The judicial council established by the Bill serves as an appropriately adapted body for a fair hearing before a competent, independent and impartial forum established by law. The forum is not a court or tribunal and the nature of proceedings are disciplinary, however the right is engaged by virtue of a potential conflict with the principles of a transparent fair hearing, so that justice should not only be done, but be seen to be done, by subjecting legal proceedings to public scrutiny.

In this case the limitation on the principles of open justice and public proceedings is justified because of the interest in maintaining the independence and integrity of the judiciary. In circumstances where the government is potentially imposing limits on the independence of the judiciary and the security of tenure of the judiciary, it is important that this interference is minimised and does not compromise the separation of powers carefully established through the Constitution, and supporting legal framework in the ACT. The resolution of minor complaints in private is necessary so that once the complaint is resolved, and appropriate action taken, the judicial officer can return to hearing matters without the public's trust or confidence in the officer being eroded. Loss of confidence in the judiciary could have far-reaching implications for the operation and management of the court and registry and impact negatively on the justice framework in the ACT. This limitation is therefore necessary to support the interests of justice under section 14(3) of the HRA.

The limitation is also proportionate because the Bill makes provision for the council's proceedings to be public if it is determined to be in the public interest.

The Bill balances the interests in ensuring that the judiciary performs their role to the standard expected by the public with the privacy of the member of the judiciary complained about.

The member of the judiciary complained about has an opportunity to respond to allegations of impropriety or misconduct.

The council only deals with breaches which would not warrant removal from office.

The members of the council are eminently qualified to understand the obligations of judicial office and therefore whether there is impropriety or misconduct and what the nature and seriousness of that conduct is – whether there has been or could be a breach of the judicial officer's responsibilities or oath.

The ACT is a small jurisdiction with a small judiciary, and it is probable that the members of the council will know the member of the judiciary complained about. The Bill pre-empts this by providing that a member of the council cannot exercise their council functions in relation to a complaint if they are the complainant or the person complained about. If a member cannot for any other reason exercise a function, a delegate or standing acting member may exercise the function instead.

There are no other less restrictive means to achieve the hearing and resolution of less serious complaints about the judiciary, indeed the Bill sets up a less formal, serious and restrictive forum than that now available under the Judicial Commissions Act.

For these reasons the limitation on the right to fair trial in the Bill is reasonable, proportionate and justifiable.

Judicial Commissions Amendment Bill 2014

Detail

Part 1 Preliminary

Clause 1 Name of Act

This clause names the Act as the *Judicial Commissions Amendment Act 2014*.

Clause 2 Commencement

This clause states that the Act commences on a day fixed by the Minister by written notice and allows for the Act to commence automatically after 12 months if not already commenced.

Clause 3 Legislation amended

This clause states that the Act will amend the *Judicial Commissions Act 1994*.

Clause 4 New part 2A

This clause inserts a new part 2A – Judicial council:

Part 2A - Judicial council

Section 5A (Establishment of council) establishes the judicial council.

Section 5B (Council – members) provides that the council consists of the Chief Justice, the Chief Magistrate and 2 members appointed by the Executive. This section also makes the Chief Justice the head of the council.

Section 5C (Appointment of members) requires the Executive to appoint 1 member who is a legal practitioner jointly nominated by the council of the law society and the council of the bar association, and 1 member who the Executive is satisfied has the necessary qualifications and experience to assist the council in the exercise of its functions. The Executive is also required to consult with the Chief Justice and Chief Magistrate before appointing a person as a member of the council.

Section 5D (Standing acting arrangement – members) allows the Executive to appoint a person to act for a member of the council (after consultation with the Chief Justice and Chief Magistrate) when that member is not able to exercise their functions as a council member for any reason.

Section 5E (Delegation by Chief Justice and Chief Magistrate) allows the Chief Justice and the Chief Magistrate to delegate any of their council functions to a respective resident judge or magistrate if for any reason they cannot exercise the function. This would include circumstances where there is a conflict of interest or a perceived conflict of interest.

Section 5F (Council – functions) sets out the functions of the council to receive and examine complaints in relation to a judicial officer, refer certain complaints to the Executive or a head of jurisdiction, give information about the process for complaints about judicial officers and any other function under this Act or another Territory law.

Section 5G (Member not to exercise functions in certain circumstances) requires that if a member of the council is the complainant or the subject of the complaint, the member may not exercise a function as a member of the council in relation to that complaint.

Section 5H (Council – staff) provides that the council is to be supported in the exercise of its functions by a principal officer and other staff considered suitable by the council.

Section 5I (Council – delegation) allows the council to delegate its functions under this Act to a member of the council's support staff unless the function is to dismiss a complaint, refer a complaint or make a recommendation in relation to a complaint. For example, the function of providing information to members of the public about the complaints process will fall primarily to the council's support staff.

Clause 5 – Making of complaint

This clause amends section 14(1) of the Act to allow a person to complain to the council or the Attorney-General about a matter that relates to or may relate to the behaviour or physical or mental capacity of a judicial officer (other than a presidential member of the ACAT). This clause inserts a new section 14(1A) that allows a person to complain to the Attorney-General about a matter that relates or may relate to the behaviour or physical or mental capacity of a presidential member of the ACAT.

Clause 6 amends section 14(2), which requires that the form of a complaint must be in writing, state the name and address of the complainant, identify the judicial officer concerned and contain full particulars of the matter the subject of the complaint, to add the requirement for the complaint to contain anything else prescribed by regulation.

Clause 7 amends section 14(3) to require that a member of the Legislative Assembly must not raise in the Legislative Assembly a matter that relates to or may relate to the behaviour or physical or mental capacity of a judicial officer except by way of a motion to have a specific allegation examined by a judicial commission unless the member has given the Attorney-General at least 6 sitting days notice of the motion, and the member has not been notified by the Attorney-General or the council within that period that a recommendation has been made that the Executive appoint a judicial commission in relation to that allegation. A member of the Legislative Assembly who gives notice to the Attorney-General under section 14(3)(b) must also inform the council about the notice.

Clause 8 replaces sections 15 to 17 of the Act:

Section 15 (Referral of complaint to council) requires the Attorney-General to refer a complaint to the council as soon as practicable after receiving it. The Attorney-General is also required to advise the complainant that the complaint has been referred to the council. Section 15(2) has been inserted to require that if the complaint is about a presidential member of the ACAT, the Attorney-General must ensure that it is dealt with in accordance with an approved protocol.

Section 16 (Council to examine complaint etc) requires the council to examine the complaint in accordance with part 5 of the Act, and also requires the council to advise the subject of the complaint and the relevant head of jurisdiction about the complaint (unless the complaint is about that head of jurisdiction).

Section 16A (Protocol – complaints in relation to ACAT) requires the Attorney-General to approve a protocol about dealing with complaints made in relation to a presidential member of the ACAT. A protocol may provide for the appointment of a suitably qualified person to consider a complaint in relation to a presidential member. The protocol must provide for the subject of the complaint and the general president of the ACAT (if the subject is not the general president) to be told about the complaint as soon as practicable, and for a recommendation to be made to the Executive to appoint a judicial commission to examine the complaint if the complaint could justify parliamentary consideration of the removal of presidential member. An approved protocol is a notifiable instrument.

Section 17 (Council recommendation- appointment of commission) requires that if the council is satisfied that complaint is substantiated under section 35J of the Act and could justify parliamentary consideration of the removal of the judicial officer who is the subject of that complaint, the council must recommend in writing that the Executive appoint a judicial commission to examine the complaint and also provide a report of these findings to the Executive. The council must also give written notice of this to the complainant or member of the Legislative Assembly who raised the complaint, whichever the case may be, as well as to the subject of the complaint and the relevant head of jurisdiction (unless the complaint is about that head of jurisdiction). The Executive must appoint a judicial commission if it receives such a recommendation from the council.

Clause 9 substitutes the heading to part 5 so that it now refers to the council as well as commissions.

Clause 10 inserts new section 24A in division 5.1.

Section 24A (Determination of question – council) requires a question before the council to be decided in accordance with a majority of the council members or, if equally divided, in accordance with the opinion of the head of council. Where there is a difference of opinions on a question before the council, a member may require that the record of the council reflects the different opinions.

Clause 11 substitutes the heading of section 25 to make it clear that section 25 only applies to determination of questions by a judicial commission, not the council.

Clause 12 introduces a new section 26 (**Counsel assisting**) to allow the council or a commission to appoint a lawyer to assist it in relation to any matter or issue.

Clause 13 (Protection of members etc) amends section 27(1) so that a member of the council has the same protection and immunity as members of a judicial commission, which is the protection a judge of the Supreme Court has in proceedings in that Court.

Clause 14 amends section 27(2) and (3) to apply protections already given to lawyers assisting or witnesses appearing before commissions to the council.

Clause 15 is a technical amendment to change the title of section 28 to “**Offence – disclosure of information by members etc**” so that it more accurately reflects the content of the section.

Clause 16 amends section 28(1)(a) to include members of the council, support staff of the council and lawyers assisting the council in the non-disclosure provisions of the Act.

Clause 17 replaces section 29 (**Disclosure of information to Attorney-General etc**) to allow the council to communicate certain information it obtains while exercising its functions to the Attorney-General, another appropriate Minister or the chief police officer. This section only applies to information that relates or may relate to the commission of an offence, or evidence of the commission of an offence.

Clause 18 replaces the heading of section 30 so that it reads “**Outstanding matters – commission**” to limit the application of the section to commissions.

Clause 19 amends section 31 (**Procedure**) so that the council, in addition to a commission, is not bound by the rules of evidence but may inform itself of any matter in such a manner it considers appropriate.

Clause 20 amends section 31(b) to allow the council to do whatever it considers necessary or expedient for the fair and expeditious conduct of the examination of the complaint.

Clause 21 (Privilege against selfincrimination and exposure to civil penalty) amends section 32(1) of the Act to apply the privilege to a person who is required to produce a document or thing, or answer a question in accordance with part 5 of the Act. This applies to both the council and commissions.

Clause 22 (Search warrants) amends section 33(1) to make it clear that only the presiding member of a commission may issue a search warrant under that section. This has the effect of not extending search warrant powers to the judicial council.

Clause 23 (Search warrants) amends section 33(7) and is consequential to the amendment in clause 22 to make it clear that the search warrant provisions only apply to the presiding member of a commission.

Clause 24 (Inspection and retention of documents) inserts a new section 34(1A) to the Act, which allows a member of the council or a member of the council’s staff or an authorised person to inspect a document or thing produced or delivered to the council, retain possession of it for whatever period is necessary for the purposes of the inquiry to which the document or thing relates, and in the case of a document, make copies or take extracts if they are relevant to the inquiry.

Clause 25 amends section 34(2) to ensure that documents (or certified copies of those documents) obtained by the council are made available to a person who is entitled to have them in their possession as soon as possible.

Clause 26 amends section 34(3) to require the council to return a document or thing to a person who has requested it if it is no longer required by the council for the purposes of an inquiry.

Clause 27 inserts a new section 35 (**Medical examination of judicial officer**) to allow the council to require that a judicial officer undergo a specified medical examination if the council has formed the opinion on reasonable grounds that the judicial officer concerned may be physically or mentally unfit to exercise the functions of his or her office. If a judicial officer fails to comply with such a request, this must be included in any report given by the council in relation to that officer.

Clause 28 inserts a new **Division 5.3A**.

Division 5.3A – Examinations and hearings – council

Section 35A (Preliminary examination) requires the council to undertake a preliminary examination of all complaints. The council may also initiate inquiries into the subject matter of complaints that it considers appropriate and any preliminary examination and inquiries must, as far as practicable, be in private.

Section 35B (Early dismissal of complaint) allows the council to dismiss a complaint after a preliminary inquiry if it is satisfied on reasonable grounds that: the complaint is not one that the council is required to deal with; is frivolous, vexatious or not in good faith; the subject matter is trivial; the matter complained about happened at too remote a time to justify further consideration; there is or was available a satisfactory means of redress or dealing with the complaint or its subject matter; the complaint relates to the exercise of a judicial or other function that is or was subject to appropriate appeal or review rights; the person the subject of the complaint is no longer a judicial officer; or, having regard to all the circumstance, further consideration of the complaint not necessary or justifiable.

Section 35C (Refer complaint to head of jurisdiction) allows the council to refer a complaint to the relevant head of jurisdiction if satisfied on reasonable grounds that it does not justify the council's attention. Referral of the complaint to the head of jurisdiction may include recommendations by the council on what steps might be taken to deal with the complaint.

Section 35D (Examination of complaint by council) requires the council to conduct an examination of a complaint received or referred to it under section 15 unless the complaint is dismissed early under section 35B or the complaint is referred to the head of jurisdiction under section 35C. The council may initiate the inquiries into the subject-matter of the complaint that the council considers appropriate and an examination and any inquiries must, as far as practicable, be in private.

Section 35E (Hearing of complaint by council) allows the council to hold hearings in connection with the complaint. A hearing must be held in private, unless the council decides on reasonable grounds that it is in the public interest for the hearing to be held in public. If a hearing is to be held in private, the council may give directions as to who may be present.

Section 35F (Appearance and representation) allows the judicial officer the subject of the complaint or a person summoned to attend or appearing before the council to be represented by a lawyer. This section allows the council to consent to the appearance of any other person or the representation of that person by a lawyer.

Section 35G (Examination of witnesses) provides that at a hearing, a lawyer assisting the council, the judicial officer the subject of the complaint or their lawyer, or any other person present who is permitted by the head of council to do so, may examine or cross-examine a witness on any matter that the council is satisfied on reasonable grounds is relevant and appropriate.

Section 35H (Powers in relation to witnesses etc) allows the head of council, or a person authorised in writing by the head of council, to issue a subpoena to require a person to appear before the council at a hearing, at a stated time and place, to give evidence and/or produce a document or other thing stated in the subpoena that is relevant to the hearing.

If a person is required to produce a document or thing under a subpoena under subsection (1) (b), the person must do so before the date stated in the subpoena for its production.

The head of council may require a witness appearing at a hearing before the council to give evidence to take an oath; answer a question relevant to the hearing or produce a stated document or other thing relevant to the hearing.

Section 35I (Dismissal of complaint by council) requires the council to dismiss a complaint if it is satisfied on reasonable grounds that: any of the early dismissal matters mentioned in section 35B apply to the complaint; or the complaint has not been substantiated. If the council dismisses a complaint, the council must prepare a report of its examination and give the report to the Attorney-General. The report must set out the council's findings on material questions of fact; and refer to the evidence or other material on which those findings were based; and set out the council's reasons for dismissing the complaint. The council must give a copy of the report to the judicial officer concerned and may give a copy of the report (or a summary of the report) to the complainant. If the matter was raised by a member of the Legislative Assembly, the council must also give a copy of the report to that member.

Section 35J (Substantiation of complaint by council) requires that if satisfied on reasonable grounds that a complaint is wholly or partly substantiated and if the complaint could justify parliamentary consideration of the removal of the judicial officer, the council must make a recommendation under section 17 that a judicial commission be appointed to examine the complaint. The council must provide a report of its examination to the Executive.

If the complaint is substantiated wholly or in part but could not justify parliamentary consideration of the removal of the judicial officer, the council must refer the complaint to the relevant head of jurisdiction under section 35C. The council must provide a report of its examination to the head of jurisdiction and the Attorney-General.

The report must set out the council's findings on material questions of fact, refer to the evidence or other material on which those findings were based and set out the council's reasons for substantiating the complaint. The council must also give a copy of the report to the judicial officer concerned and may give a copy of the report (or a summary of the report) to the complainant. If the matter was raised by a member of the Legislative Assembly, the council must also give a copy of the report to that member.

Section 35K (Extension or partial dismissal of complaint) provides that in dealing with a complaint about a judicial officer, the council is not limited to the matters raised initially in the complaint, and the council may treat the original complaint as extending to other matters arising in the course of its being dealt with. If while dealing with a complaint about a judicial officer, a matter arises which might constitute grounds for a complaint about another judicial officer, the council may treat the original complaint as extending to the new matter.

A power to dismiss a complaint includes a power to dismiss a part of a complaint.

Clause 29 substitutes a new heading to **Division 5.4**.

Division 5.4 – Hearings - commission

Clause 30 amends **section 55 (Application of Criminal Code, ch 7)** to ensure a proceeding before the council is a legal proceeding under the Criminal Code, chapter 7 (Administration of justice offences).

Clause 31 amends the **section 55 Note** to show that the offences in the Criminal Code, ch 7 also apply in relation to council proceedings. This is consequential to the amendment in clause 30.

Clause 32 substitutes a new **section 56 (Contempt)** to provide that a person commits an offence if they do something in the face, or within the hearing, of the council or a commission that would be contempt of court if the council or the commission were a court of record. The maximum penalty is 100 penalty units, imprisonment for 1 year or both.

Clause 33 amends **section 58(c) (Protection of Attorney-General and other officers)** to ensure that the Attorney-General, a public servant or a person acting under the direction of the council is not personally liable for any action or omission during the honest exercise of any function given to that person under this Act.

Clause 34 amends **section 59(1) (Reimbursement of costs and expenses)** to allow a witness appearing before the council to be paid an amount by the Territory in relation to the expenses of the attendance as authorised in accordance with the Supreme Court scale of costs.

Clause 35 inserts a new **section 59(3)** which allows a judicial officer to be paid by the Territory reasonable costs and expenses incurred in connection with their appearance and representation before the council if the council dismisses the complaint early under section 35B, refers the complaint to the relevant head of jurisdiction under section 35C, or dismisses the complaint under section 35I.

Clause 36 amends **section 60(a) (No proceeding to be brought)** to provide that a proceeding for an injunction, declaration or prerogative order cannot be brought in relation to a decision of the Executive under section 17(3) of the Act. This amendment was necessary because of the rewriting of sections 16 and 17.

Clause 37 amends **section 60(c)** to provide that a proceeding for an injunction, declaration or prerogative order must not be brought in relation to a decision of the Attorney-General under sections 15 or 23(3) of the Act. This amendment was necessary because of the rewriting of sections 15, 16 and 17 of the Act.

Clause 38 amends **section 60(e)** to provide that a proceeding for an injunction, declaration or prerogative order must not be brought in relation to a decision or any proceedings of the council or a commission.

Clause 39 amends **section 61(1) (Reports of proceedings – protection)** to include council hearings as proceedings of public concern for the *Civil Law (Wrongs) Act 2002*, section 139 (Defences of fair report of proceedings of public concern).

Clause 40 inserts a new **section 61A (Report of council activities)** which requires that the council must prepare a report each year about its work and activities in the previous year and give the report to the Attorney-General. The report must include the number of complaints received by, or referred to, the council, the number of complaints dismissed early under section 35B, the number of complaints referred to heads of jurisdiction under section 35C, the number of complaints dismissed under section 35I, the number of complaints substantiated under section 35J, and a description, which may include statistics, of any patterns in the nature and scope of complaints made or dealt with by the council.

The report may include recommendations for changes to legislation, the council's functions or related administrative matters arising from the exercise of the council's functions. The report must not identify any person against whom a complaint has been made under the Act, unless the person has been the subject of a public hearing or has been convicted of an offence connected with the complaint.

The Attorney-General must, as soon as practicable after receiving the report, table it in the Legislative Assembly.

Clause 41 amends the **Dictionary** to insert a **new definition of *approved protocol***, being a protocol approved under section 16A (Protocol – complaints in relation to ACAT).

Clause 42 amends the **Dictionary (definition of *authorised person*)** to mean, for an inquiry or proceeding of the council, a person declared in writing by the head of the council. For an inquiry or proceeding of the commission, an authorised person is a person declared in writing by the presiding member of the commission.

Clause 43 amends the **Dictionary (definition of *commission*, paragraph (a))** to replace the reference to section 16(3) with a reference to new section 17(3), which requires that if the Executive receives a recommendation from the council under this section the Executive must appoint a judicial commission to examine and report on the complaint.

Clause 44 amends the **Dictionary (definition of *complaint*, paragraph (b))** to align with amended section 14(3)(b) where a member of the Legislative Assembly must give notice to the council if he or she is making an allegation under that section.

Clause 45 amends the **Dictionary (new definitions)** to provide that ***council*** means the judicial council established under section 5A and the ***head of council*** is the Chief Justice as per section 5B(2).

Clause 46 amends the **Dictionary (definition of *member*)** so that it includes a definition of member of a council, which means a member of the judicial council and includes the head of council.

Schedule 1 – Consequential amendments

Part 1.1 - *Administrative Decisions (Judicial Review) Act 1989*

The purpose of this amendment is to add a decision of the Executive to appoint a judicial commission at the recommendation of the council under section 17(3), a decision of the Attorney-General to refer a complaint to the council under section 15, or any other decision of the judicial council to the schedule of decisions to which that Act does not apply.

Part 1.2 - *Court Procedures Act 2004*

The purpose of this amendment is to place the judicial council in the same position as a judicial commission in relation to court security.

Part 1.3 - *Freedom of Information Act 1989*

The purpose of this amendment is to place the judicial council in the same position as a judicial commission, to provide that the council is not a ‘prescribed authority’ for the Act.

Part 1.4 - *Information Privacy Act 2014*

The purpose of this amendment is to place the judicial council in the same position as a judicial commission, that is, to exempt the council from the application of the Information Privacy Act.

Part 1.5 - *Juries Act 1967*

The purpose of this amendment is to place a person appointed as a member of the judicial council in the same position as a judicial commission member, that is, exempt them from jury service.

Part 1.6 - *Ombudsman Act 1989*

The effect of this amendment is that the Ombudsman is not authorised to investigate administrative action taken by the judicial council under the Judicial Commissions Act.

Part 1.7 - *Territory Records Act 2002*

The purpose of this amendment is to place the judicial council in the same position as a judicial commission or a board of inquiry in relation to record keeping.