



Australian Capital Territory

Courts Legislation Amendment Act 2023

A2023-37

Contents

	Page
Part 1	Preliminary
1	Name of Act 2
2	Commencement 2
3	Legislation amended 2
4	Legislation repealed 2
Part 2	Court Procedures Act 2004
5	Sections 7 (2) and 8 (3) 3
6	Rule-making committee Section 9 (2) 3
7	Advisory committee Section 11 (2) (a) and (b) 3

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	Page	
8	Section 11 (2), new note	3
9	Section 11 (6) to (8)	4
10	Reviewable decisions—court Section 18A (5) (a) (i)	4
11	Definitions—pt 5 Section 40, definition of <i>judge</i>	4
12	Jurisdiction Schedule 1, item 1 (3)	4
13	Costs Schedule 1, new item 26 (ca)	4
14	Dictionary, note 2	5
Part 3	Magistrates Court Act 1930	
15	Sections 17A and 17C	6
16	Sections 17E to 17K	6
Part 4	Supreme Court Act 1933	
17	Acting judges Section 4B (2)	7
18	Seniority of judges Section 5 (4)	7
19	Exercise of jurisdiction Section 8 (1) (a)	7
20	Exercise of jurisdiction by associate judge Section 9	7
21	Section 14	7
22	Appellate jurisdiction Section 37E (4)	8
23	The master Part 3	8
24	Power to complete part-heard proceedings Section 60A	8
25	New part 13	8
26	Schedule 1, part 1.1 heading	9
27	Schedule 1, part 1.1	9
28	Schedule 1, part 1.2 heading	10

		Page
29	Schedule 1, part 1.2	10
30	Dictionary, definitions of <i>associate judge</i> and <i>master</i>	10
Schedule 1	Consequential amendments	11
Part 1.1	Commissioner for Sustainability and the Environment Act 1993	11
Part 1.2	Confiscation of Criminal Assets Act 2003	12
Part 1.3	Crimes Act 1900	12
Part 1.4	Crimes (Surveillance Devices) Act 2010	12
Part 1.5	Criminal Code 2002	13
Part 1.6	Drugs of Dependence Act 1989	13
Part 1.7	Integrity Commission Act 2018	14
Part 1.8	Judicial Commissions Act 1994	14
Part 1.9	Juries Regulation 2018	15
Part 1.10	Legislation Act 2001	15
Part 1.11	Ombudsman Act 1989	15
Part 1.12	Public Sector Management Act 1994	16
Part 1.13	Remuneration Tribunal Act 1995	16
Part 1.14	Road Transport (Driver Licensing) Regulation 2000	17
Part 1.15	Victims of Crime Act 1994	17



Australian Capital Territory

Courts Legislation Amendment Act 2023

A2023-37

An Act to amend legislation about courts, and for other purposes

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

Part 1 Preliminary

1 Name of Act

This Act is the *Courts Legislation Amendment Act 2023*.

2 Commencement

This Act commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

3 Legislation amended

This Act amends the following legislation:

- [Court Procedures Act 2004](#)
- [Magistrates Court Act 1930](#)
- [Supreme Court Act 1933](#).

Note This Act also amends other legislation (see sch 1).

4 Legislation repealed

All statutory instruments made under the [Supreme Court Act 1933](#), part 3 are repealed, including the following instruments:

- [Supreme Court \(Master Appointment Requirements\) Determination 2010](#) (NI2010-13)
- [Supreme Court \(Master\) Conditions of Appointment 2017 \(No 1\)](#) (NI2017-242).

Part 2 Court Procedures Act 2004

5 Sections 7 (2) and 8 (3)

omit

section 9 (2) (d) or (e)

substitute

section 9 (2) (c) or (d)

6 Rule-making committee Section 9 (2)

substitute

(2) The rule-making committee consists of the following members:

- (a) the Chief Justice;
- (b) 2 other resident judges appointed by the Chief Justice;
- (c) the Chief Magistrate;
- (d) another magistrate appointed by the Chief Magistrate.

Note For laws about appointments, see the [Legislation Act](#), pt 19.3.

7 Advisory committee Section 11 (2) (a) and (b)

substitute

- (a) a resident judge appointed by the Chief Justice as the chairperson of the advisory committee;
- (b) another resident judge appointed by the Chief Justice;

8 Section 11 (2), new note

insert

Note For laws about appointments, see the [Legislation Act](#), pt 19.3.

9 Section 11 (6) to (8)

substitute

- (6) If the chairperson of the advisory committee is not present at a meeting of the committee—
- (a) if the resident judge mentioned in subsection (2) (b) is present—
that resident judge is to chair the meeting; or
 - (b) in any other case—the member present chosen by the committee is to chair the meeting.

**10 Reviewable decisions—court
Section 18A (5) (a) (i)**

omit

or the associate judge

**11 Definitions—pt 5
Section 40, definition of *judge***

substitute

judge includes a person prescribed by regulation for this definition.

**12 Jurisdiction
Schedule 1, item 1 (3)**

omit

the associate judge,

**13 Costs
Schedule 1, new item 26 (ca)**

insert

- (ca) costs against non-parties to proceedings;

14 Dictionary, note 2

omit

- associate judge

substitute

- judge
- magistrate

Part 4 Supreme Court Act 1933

17 **Acting judges** **Section 4B (2)**

omit

12 months

substitute

2 years

18 **Seniority of judges** **Section 5 (4)**

omit

19 **Exercise of jurisdiction** **Section 8 (1) (a)**

omit

20 **Exercise of jurisdiction by associate judge** **Section 9**

omit

21 **Section 14**

substitute

14 **Full Court decisions—equal division of opinion**

If the Full Court is divided in opinion as to the decision to be given on any question, the question is to be decided according to—

- (a) if there is a majority—the opinion of the majority; or
- (b) if the judges are equally divided in opinion—the opinion of the most senior judge sitting.

**22 Appellate jurisdiction
Section 37E (4)**

omit

, or the associate judge,

**23 The master
Part 3**

omit

**24 Power to complete part-heard proceedings
Section 60A**

omit

or associate judge

25 New part 13

insert

**Part 13 Transitional—Courts Legislation
Amendment Act 2023****119 Meaning of *associate judge*—pt 13**

In this part:

associate judge means the Master of the court under this Act, as in force at any time before the day the *Courts Legislation Amendment Act 2023*, section 23 commences.

Note The *Courts Legislation Amendment Act 2023*, s 23 omitted this Act, pt 3, which provided for the Master of the court (known as the Associate Judge).

- 120 Equally divided opinion relating to order of associate judge**
- Despite section 14 (b), if an order of the associate judge is called into question and the Full Court is equally divided in opinion as to the decision to be given, the order is confirmed.
- 121 Appeals against interlocutory orders of associate judge**
- For section 37E (2), an appeal may be brought against an interlocutory order of the court that was constituted solely by the associate judge only with leave of the Court of Appeal.
- 122 Power to complete part-heard proceedings of associate judge**
- For section 60A, a *judge* includes the associate judge.
- 123 Expiry—pt 13**
- This part expires 4 years after the day it commences.
- Note* A transitional provision is repealed on its expiry but continues to have effect after its repeal (see [Legislation Act](#), s 88).

26 Schedule 1, part 1.1 heading

substitute

Part 1.1 Chief justice and judges

27 Schedule 1, part 1.1

omit

[*Chief Justice/*judge/*master]

substitute

[*Chief Justice/*judge]

28 **Schedule 1, part 1.2 heading**

substitute

Part 1.2 **Chief justice and judges**

29 **Schedule 1, part 1.2**

omit

[*Chief Justice/*judge/*master]

substitute

[*Chief Justice/*judge]

30 **Dictionary, definitions of *associate judge* and *master***

omit

Schedule 1 Consequential amendments

(see s 3)

Part 1.1 Commissioner for Sustainability and the Environment Act 1993

[1.1] Section 12 (2) (a)

omit

of the Supreme Court

[1.2] New section 12 (3)

insert

(3) In this section:

associate judge means the Master of the Supreme Court under the [Supreme Court Act 1933](#), as in force at any time before the day the [Courts Legislation Amendment Act 2023](#), section 23 commences.

Note The [Courts Legislation Amendment Act 2023](#), s 23 omitted the [Supreme Court Act 1933](#), pt 3, which provided for the Master of the Supreme Court (known as the Associate Judge).

[1.3] Dictionary, note 2

insert

- coroner
- judge
- magistrate
- ombudsman

Part 1.2 Confiscation of Criminal Assets Act 2003

[1.4] Section 195, definition of *issuing officer*, paragraph (a)

omit

the associate judge,

Part 1.3 Crimes Act 1900

[1.5] Section 185, definition of *issuing officer*, paragraph (a)

omit

the associate judge,

Part 1.4 Crimes (Surveillance Devices) Act 2010

[1.6] Section 10 (1), note

omit

[1.7] Dictionary, definition of *judge*

omit

Part 1.5 Criminal Code 2002

[1.8] Section 300, definition of *territory public official*, paragraph (e)

omit

[1.9] New section 359 (4) and (5)

insert

(4) For subsection (2), a *public official* includes the associate judge.

(5) In this section:

associate judge means the Master of the Supreme Court under the [Supreme Court Act 1933](#), as in force at any time before the day the [Courts Legislation Amendment Act 2023](#), section 23 commences.

Note The [Courts Legislation Amendment Act 2023](#), s 23 omitted the [Supreme Court Act 1933](#), pt 3, which provided for the Master of the Supreme Court (known as the Associate Judge).

Part 1.6 Drugs of Dependence Act 1989

[1.10] Section 187 (1), definition of *issuing officer*, paragraph (a)

omit

the associate judge,

Part 1.7 Integrity Commission Act 2018

[1.11] New section 13 (2)

insert

(2) In this section:

associate judge means the Master of the Supreme Court under the [Supreme Court Act 1933](#), as in force at any time before the day the [Courts Legislation Amendment Act 2023](#), section 23 commences.

Note The [Courts Legislation Amendment Act 2023](#), s 23 omitted the [Supreme Court Act 1933](#), pt 3, which provided for the Master of the Supreme Court (known as the Associate Judge).

[1.12] Section 102 (2), new definition of *associate judge*

insert

associate judge—see section 13 (2).

Part 1.8 Judicial Commissions Act 1994

[1.13] Dictionary, definition of *head of jurisdiction*, paragraph (a)

omit

or the associate judge

[1.14] Dictionary, definition of *judicial officer*, paragraph (b)

omit

Part 1.9 Juries Regulation 2018

[1.15] Schedule 1, table 1.3, item 10

substitute

10	a judge	2 years after the appointment as judge ends
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Part 1.10 Legislation Act 2001

[1.16] Dictionary, part 1, definition of *associate judge*

omit

Part 1.11 Ombudsman Act 1989

[1.17] Section 5 (2) (b) (i)

omit

of the Supreme Court

[1.18] Section 5 (8), new definition of *associate judge*

insert

associate judge means the Master of the Supreme Court under the [Supreme Court Act 1933](#), as in force at any time before the day the [Courts Legislation Amendment Act 2023](#), section 23 commences.

Note The [Courts Legislation Amendment Act 2023](#), s 23 omitted the [Supreme Court Act 1933](#), pt 3, which provided for the Master of the Supreme Court (known as the Associate Judge).

[1.19] Dictionary, note 2

insert

- coroner
- judge
- magistrate

Part 1.12 Public Sector Management Act 1994

[1.20] Section 150 (1), definition of *public sector member*, paragraph (b) (i)

substitute

- (i) the Chief Justice or a judge;

[1.21] Section 150 (1), definition of *public sector member*, paragraph (b), note 1

omit

associate judge,

Part 1.13 Remuneration Tribunal Act 1995

[1.22] Schedule 1, part 1.1

omit

- associate judge of the Supreme Court

Part 1.14 Road Transport (Driver Licensing) Regulation 2000

[1.23] Section 12 (10), definition of *judicial officer*

omit

the associate judge,

[1.24] Dictionary, note 2

omit

- associate judge

Part 1.15 Victims of Crime Act 1994

[1.25] Section 8 (1), definition of *justice agency*, paragraph (b) (i)

substitute

- (i) the Chief Justice or a judge;

[1.26] Dictionary, note 2

omit

- associate judge

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 27 June 2023.

2 Notification

Notified under the [Legislation Act](#) on 29 September 2023.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Courts Legislation Amendment Bill 2023, which was passed by the Legislative Assembly on 20 September 2023.

Acting Clerk of the Legislative Assembly

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