

2018

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Attorney-General)

# Courts and Other Justice Legislation Amendment Bill 2018 (No 2)

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# **Courts and Other Justice Legislation Amendment Bill 2018 (No 2)**

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## **A Bill for**

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

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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 and Other Justice Legislation Amendment*  
4 *Act 2018 (No 2)*.

5 **2 Commencement**

6 This Act commences on a day fixed by the Minister by written notice.

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

9 *Note 2* A single day or time may be fixed, or different days or times may be  
10 fixed, for the commencement of different provisions (see [Legislation Act](#),  
11 s 77 (1)).

12 *Note 3* If a provision has not commenced within 6 months beginning on the  
13 notification day, it automatically commences on the first day after that  
14 period (see [Legislation Act](#), s 79).

15 **3 Legislation amended**

16 This Act amends the following legislation:

- 17 • [ACT Civil and Administrative Tribunal Act 2008](#)  
18 • [Court Procedures Act 2004](#)  
19 • [Director of Public Prosecutions Act 1990](#)  
20 • [Magistrates Court Act 1930](#)  
21 • [Supreme Court Act 1933](#).

1 **Part 2** **ACT Civil and Administrative**  
2 **Tribunal Act 2008**

3 **4 Term of appointment**  
4 **Section 98 (3)**

5 *substitute*

- 6 (3) However, a person must not be appointed as president under  
7 section 94 (1) (a), or as temporary president under section 94 (2) (a),  
8 for a term that extends beyond the date when the person turns 70 years  
9 old.

**Part 3 Court Procedures Act 2004**

**5 New sections 11BB to 11BD**

*insert*

**11BB Leave of absence**

The Attorney-General may grant leave of absence to the principal registrar on the conditions about remuneration and otherwise that the Attorney-General decides.

**11BC Principal registrar must not do other work**

The principal registrar must not, without the Attorney-General's consent, do either of the following:

- (a) practise as a legal practitioner;
- (b) have other paid employment.

**11BD Disclosure of interests**

The principal registrar must give written notice to the Attorney-General of all direct or indirect financial interests that the principal registrar has or acquires—

- (a) in a business, whether in the ACT or elsewhere; or
- (b) in a corporation carrying on a business mentioned in paragraph (a).

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**6 Section 11C***substitute***11C Ending principal registrar's appointment**

(1) The Executive may end the appointment of a person as principal registrar for—

- (a) misbehaviour; or
- (b) physical or mental incapacity, if the incapacity substantially affects the exercise of the person's functions; or
- (c) failing to comply with section 11BC (Principal registrar must not do other work).

(2) The Executive must end the person's appointment if the person—

- (a) becomes bankrupt or personally insolvent; or

*Note* **Bankrupt or personally insolvent**—see the [Legislation Act](#), dictionary, pt 1.

- (b) is convicted, or found guilty, in the ACT of an offence punishable by imprisonment for at least 1 year; or

*Note* **Found guilty**—see the [Legislation Act](#), dictionary, pt 1.

- (c) is convicted, or found guilty, outside the ACT of an offence that, if it had been committed in the ACT, would be punishable by imprisonment for at least 1 year; or

- (d) is absent, other than on leave granted under section 11BB, for 14 consecutive days or for 28 days in any 12-month period; or

- (e) fails, without reasonable excuse, to comply with the person's obligations under section 11BD.

*Note* A person's appointment also ends if the person resigns (see [Legislation Act](#), s 210).

**7 New section 11E**

*in part 2A, insert*

**11E Consultants**

- (1) The principal registrar may, on behalf of the Territory, engage consultants to, or to perform services for, the principal registrar.
- (2) Consultants must be engaged on written terms and conditions decided by the principal registrar that are approved by the Attorney-General.
- (3) However, the principal registrar must not enter into a contract of employment under this section.



1 **Part 4** **Director of Public Prosecutions**  
2 **Act 1990**

3 **8 Appointment**  
4 **Section 22 (5)**

5 *omit*  
6 65 years  
7 *substitute*  
8 70 years

*insert*

- omit*

65 years

*substitute*

70 years

*insert*

- (3) Subsection (1) applies to an appointment whether made before, on or after the commencement day.
- (4) Subsection (3), this subsection and subsection (5) expire 12 months after the commencement day.

- 1           (5) In this section:
- 2                 *commencement day* means the day the *Courts and Other Justice*
- 3                 *Legislation Amendment Act 2018 (No 2)*, part 5 commences.

1       **Part 6**                               **Supreme Court Act 1933**

2       **12**           **Seniority of judges**  
3                   **New section 5 (3A)**

4                   *insert*

5           (3A) The resident judges, additional judges and acting judges are senior to  
6           the associate judge.

7       **13**           **Section 41**

8                   *substitute*

9       **41**           **Term of appointment of master**

10           The master is appointed for the term ending when the master turns 70  
11           years old.

12       **14**           **Extension of master's term of appointment**  
13                   **Section 41A**

14                   *omit*

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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 2 August 2018.

**2 Notification**

Notified under the [Legislation Act](#) on 2018.

**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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