

2009

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

---

(As presented)

(Mrs Vicki Dunne)

## **Courts and Tribunal (Appointments) Amendment Bill 2009**

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J2009-551

Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

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## **Courts and Tribunal (Appointments) Amendment Bill 2009**

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### **A Bill for**

An Act to amend the *ACT Civil and Administrative Tribunal Act 2008*, 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:

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J2009-551

Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Courts and Tribunal (Appointments) Amendment*  
4 *Act 2009*.

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)).

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

3 **3** **Legislation amended—pt 2**

4 This part amends the *ACT Civil and Administrative Tribunal*  
5 *Act 2008*.

6 **4** **New section 94A**

7 *insert*

8 **94A** **Consultation with Assembly committee—presidential**  
9 **members**

- 10 (1) Before appointing a presidential member, the Executive must  
11 consult the appropriate Legislative Assembly committee.
- 12 (2) The appropriate Legislative Assembly committee may make a  
13 recommendation to the Executive about the proposed appointment.
- 14 (3) The Executive must not make the appointment until the Executive  
15 has received a recommendation or 30 days have passed since the  
16 consultation took place, whichever happens first.
- 17 (4) In making the appointment, the Executive must have regard to any  
18 recommendation made by the appropriate Legislative Assembly  
19 committee.

- 1           (5) In this section:
- 2                 *appropriate Legislative Assembly committee* means—
- 3                 (a) a standing committee of the Legislative Assembly, nominated
- 4                     by the Speaker, to be the appropriate committee for this
- 5                     section; or
- 6                 (b) if no nomination under paragraph (a) is in effect, the standing
- 7                     committee of the Legislative Assembly responsible for the
- 8                     consideration of legal issues.

1 **Part 3** **Magistrates Court Act 1930**

2 **5** **Legislation amended—pt 3**

3 This part amends the *Magistrates Court Act 1930*.

4 **6** **New section 7AA**

5 *before section 7A, insert*

6 **7AA** **Consultation with Assembly committee—magistrates**

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

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

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

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

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

**7 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.

- (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.

**8 New section 320A**

*insert*

**320A Appropriate Legislative Assembly committee**

- (1) The Speaker may nominate a standing committee of the Legislative Assembly to be the appropriate committee for this Act.

- (2) If no nomination under subsection (1) is in effect, the appropriate committee is the standing committee of the Legislative Assembly responsible for the consideration of legal issues.



1 **9 Dictionary, new definition of *appropriate Legislative***  
2 ***Assembly committee***

3 *insert*

4 *appropriate Legislative Assembly committee* means the appropriate  
5 committee under section 320A.

1 **Part 4 Supreme Court Act 1933**

2 **10 Legislation amended—pt 4**

3 This part amends the *Supreme Court Act 1933*.

4 **11 New section 4AA**

5 *before section 4A, insert*

6 **4AA Consultation with Assembly committee—resident judges**

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

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

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

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

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

**12 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.

- (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.

**13 New section 75**

*insert*

**75 Appropriate Legislative Assembly committee**

- (1) The Speaker may nominate a standing committee of the Legislative Assembly to be the appropriate committee for this Act.

- (2) If no nomination under subsection (1) is in effect, the appropriate committee is the standing committee of the Legislative Assembly responsible for the consideration of legal issues.

- 1 **14 Dictionary, new definition of *appropriate Legislative***  
2 ***Assembly committee***
- 3 *insert*
- 4 *appropriate Legislative Assembly committee* means the appropriate  
5 committee under section 75.
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### Endnotes

- 1 **Presentation speech**  
Presentation speech made in the Legislative Assembly on 2009.
- 2 **Notification**  
Notified under the Legislation Act on 2009.
- 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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