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# BILLS DIGEST

Digest No. 1730

## Judicial Matters Bill 2008 (2009 No 216-2)

<b>Date of Introduction:</b>	24 June 2008
<b>Portfolio:</b>	Attorney-General
<b>Select Committee:</b>	Justice and Electoral
<b>Date report presented:</b>	18 May 2009
<b>Published: 10 December 2009</b>  Prepared by <b>John McSoriley</b> BA LL.B, Barrister  Legislative Analyst  P: (04) 471-9626 (Ext. 9626)  F: (04) 471-1250	Caution: This Digest was prepared to assist consideration of the Bill by members of Parliament. It has no official status.  Although every effort has been made to ensure accuracy, it should not be taken as a complete or authoritative guide to the Bill. Other sources should be consulted to determine the subsequent official status of the Bill.

### Purpose

The aim of the Bill as introduced is to amend the Judicial Conduct Commissioner and Judicial Conduct Panel Act 2004 (the Judicial Conduct Act) to provide for the appointment of a Deputy Judicial Conduct Commissioner and to provide that the Judicial Conduct Commissioner, in addition to existing remedies, may decide to take no further action on a complaint. The Judicature Act 1908 is also amended to raise the maximum number of Associate Judges who may hold office at any particular time from six to nine.

*The Bill as introduced is described in [Bills Digest No 1625](#).*

### Main change to the Bill

#### Disposal of complaint

Section 17 of the Judicial Conduct Act provides that the Commissioner must refer a complaint to the Head of Bench unless the Commissioner either dismisses the complaint or recommends that a Judicial Conduct Panel be appointed.

The Select Committee has recommended that it be clarified in the Bill that where the Commissioner has exercised his or her power to take no further action on a complaint (under New Section 15A of the Act), the complaint is not required to be referred to the appropriate Head of Bench (*Part 2, inserting New Clause 12A, amending Section 17(1) of the Judicial Conduct Act by inserting new paragraph (aa)*).

*Comment*

The Judicial Conduct Act defines the term "Head of Bench" to mean:

- in relation to the Supreme Court, the Chief Justice;
- in relation to the Court of Appeal, the President of the Court of Appeal;
- in relation to the High Court, the Chief High Court Judge;
- in relation to the Employment Court, the Chief Judge of the Employment Court.

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