

LEGISLATIVE COUNCIL

COURTS LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2010

(Suggested amendments and new clause to be proposed in Committee by
Mr RICH-PHILLIPS)

That it be a suggestion to the Assembly that they make the following amendments in the Bill:

1. Clause 24, page 16, lines 28 to 30, omit "for the period, not exceeding 5 years, specified in his or her instrument of appointment".
2. Clause 24, page 17, after line 13 insert—

"(3) A person who has attained the age of 70 years is not capable of being appointed to or continuing in the office of judicial registrar."
3. Clause 24, page 17, line 14, omit "3" and insert "4".
4. Clause 24, page 17, line 16, omit "4" and insert "5".
5. Clause 24, page 17, lines 21 and 22, omit all words and expressions on these lines.
6. Clause 24, page 19, lines 1 to 35, and page 20, lines 1 to 29, omit all words and expressions on these lines and insert—

"113I Cessation of office

A judicial registrar ceases to hold office only—

 - (a) if he or she resigns in accordance with section 113H; or
 - (b) if he or she is removed from office by the Governor in Council in accordance with Part IIIAA of the **Constitution Act 1975**;
or
 - (c) if his or her office is abolished by or under an Act; or
 - (d) if he or she is not capable of continuing in office because of section 113F(3)."
 7. Clause 24, page 20, line 30, omit "**113L**" and insert "**113J**".
 8. Clause 24, page 21, line 20, omit "**113M**" and insert "**113K**".
 9. Clause 24, page 22, line 17, omit "**113N**" and insert "**113L**".
 10. Clause 24, page 22, line 27, omit "**113O**" and insert "**113M**".
 11. Clause 24, page 23, line 20, omit "**113P**" and insert "**113N**".
 12. Clause 33, page 31, lines 5 to 7, omit "for the period, not exceeding 5 years, specified in his or her instrument of appointment".

13. Clause 33, page 31, after line 18 insert—
 "(3) A person who has attained the age of 70 years is not capable of being appointed to or continuing in the office of judicial registrar."
14. Clause 33, page 31, line 19, omit "3" and insert "4".
15. Clause 33, page 31, line 21, omit "4" and insert "5".
16. Clause 33, page 31, lines 26 and 27, omit all words and expressions on these lines.
17. Clause 33, page 33, lines 5 to 33, and page 34, lines 1 to 35, omit all words and expressions on these lines and insert—

"17R Cessation of office

A judicial registrar ceases to hold office only—

- (a) he or she resigns in accordance with section 17Q; or
- (b) if he or she is removed from office by the Governor in Council in accordance with Part IIIAA of the **Constitution Act 1975**;
or
- (c) if his or her office is abolished by or under an Act; or
- (d) if he or she is not capable of continuing in office because of section 17O(3)."

18. Clause 33, page 35, line 1, omit "17U" and insert "17S".
19. Clause 33, page 35, line 24, omit "17V" and insert "17T".

NEW CLAUSE

20. Insert the following New Clause to follow clause 8—

"A. Definitions—Constitution Act 1975

In section 87AAA of the **Constitution Act 1975**, in the definition of *judicial office*, after paragraph (e) insert—

- (f) judicial registrar within the meaning of the **Supreme Court Act 1986**;
- (g) judicial registrar within the meaning of the **County Court Act 1958**;"