NORFOLK ISLAND AMENDMENT BILL 1981

Date Introduced: 20 August 1981
House: House of Representatives
Presented by: Hon. I.B.C. Wilson, M.P., Minister for Home Affairs and Environment

Short Digest of Bill

Purpose

To provide for a Chief Judge of the Supreme Court of Norfolk Island; and for a Judge to retire at 70 years and to cease to be a member of the Court if he ceases to be a Judge of another Court created by the Parliament.

Background

Under section 53 of the Norfolk Island Act 1979 Judges of the Supreme Court of Norfolk Island are appointed by commission of the Governor-General from among Judges of other courts created by the Parliament. The Court established by the Norfolk Island Act 1957 was continued by section 52 of the 1979 Act. Section 54 provides that Judges have seniority according to the dates of their commissions and under section 58 it is the senior Judge who arranges which Judge is to exercise the jurisdiction of the Court. There is no retiring age; nor is there specific provision that a Judge who does not remain a Judge of another Court created by the Parliament ceases to be a Judge of the Norfolk Island Supreme Court.

Main Provisions

Clause 3 amends section 52 of the Principal Act to provide for the appointment of a person as Chief Judge and an undefined number of other Judges. All Judges are to be Judges of another Court created by the Parliament. Sub-clause 3(2) provides that this does not affect the appointment of existing Judges. However, a new section 54 is substituted by clause 6 which provides that the Chief Judge is the senior Judge and that other Judges have seniority according to the dates of their commissions. Under section 58 as amended by clause 7 it is the Chief Judge who is responsible for ordering the affairs of the Court and making arrangements about the work of the Court.
Clause 4 amends section 53 so that Judges must retire at 70 years or if they cease to be Judges of another Court created by Parliament (new sub-section 53(4) and (5)). This does not apply to existing Judges but new sub-section 53(3) specifically provides that even an existing Judge may not be appointed as Chief Judge if he has attained the age of 70 years.

For further information, if required, contact:

26 August 1981

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