



New South Wales

Government and Related Employees Appeal Tribunal Amendment Bill 1996

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Government and Related Employees Appeal Tribunal Act 1980*:

- (a) to widen the class of persons eligible to be appointed as Senior Chairperson of the Government and Related Employees Appeal Tribunal, and
- (b) to remove age limits imposed on the Senior Chairperson when the holder of a judicial office,

and to make other minor or consequential amendments to that Act.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the proposed Act to commence on assent.

Clause 3 is a formal provision giving effect to the Schedule of amendments.

Schedule 1 Amendments

Schedule 1 [1] inserts a definition of *judicial office*, which is to have the same meaning as in the *Constitution Act 1902* (including Judges of the Supreme Court and District Court and Magistrates).

Schedule 1 [2] replaces section 7 (2), which sets out the qualifications for appointment as Senior Chairperson. The current provision provides that only Judges of the Supreme Court or Industrial Court under the age of 70 years are eligible for appointment. The new provision provides that persons who are or have been the holders of judicial office, or legal practitioners of at least 7 years' standing (which is the qualification for appointment to judicial office), are eligible for appointment as Senior Chairperson.

Schedule 1 [3] makes a corresponding amendment to section 10, so as to remove the age limit imposed on a Chairperson of the Tribunal when the holder of a judicial office.

Schedule 1 [4] makes an amendment by way of statute law revision. It replaces a reference to a barrister or solicitor with a reference to a legal practitioner, in line with the requirement of section 18 of the *Legal Profession Act 1987* that references be construed in this way.

Schedule 1 [5], [9] and [12] omit references to magisterial office, which is assimilated to judicial office and covered in the proposed definition of *judicial office*.

Schedule 1 [6] provides that Schedule 1 to the Principal Act will apply to the Senior Chairperson in the same way as it applies to a Chairperson. At present, some provisions of the Schedule do not apply to the Senior Chairperson, since this office is held by a Judge. The amendment is consequential on the amendment making it possible in the future for a person who is not a Judge to hold office as Senior Chairperson.

Schedule 1 [7], [8] and [11] omit unnecessary references to the Senior Chairperson, given the provision to be inserted by Schedule 1 [6] that extends the general application of Schedule 1 to the Principal Act to the Senior Chairperson.

Schedule 1 [10] omits a provision that requires the Senior Chairperson to retire at the age of 70 years.