

LEGISLATIVE ASSEMBLY

Read 1^o 18 October, 1967.

(Brought in by Mr. Reid (Box Hill) and Mr. Rylah.)

A BILL

To make Further Provision with respect to the Appointment of Judges and Acting Judges of the Supreme Court and for other purposes.

BE it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):—

1. (1) This Act may be cited as the *Supreme Court (Judges) Act 1967*. Short title.

(2) In this Act the *Supreme Court Act 1958* is called the Principal Act. Principal Act No. 6387. Reprinted with amendments to No. 7522.

10 2. (1) In sub-section (1) of section 7 of the Principal Act for the word "fifteen" there shall be substituted the word "seventeen". Number of Supreme Court Judges. Amendment of No. 6387 s. 7, as amended by No. 6429 s. 2, No. 7127 s. 2, and No. 7299 s. 2.

(2) This section shall come into operation on a day to be fixed by proclamation of the Governor in Council published in the *Government Gazette*.
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Re-enactment
of No. 6387
s. 11.

3. For section 11 of the Principal Act there shall be substituted the following section :—

Appointment of
acting Judges.

“ 11. (1) When and so often as any Judge of the Court is absent on leave or in consequence of sickness or for any other reason is temporarily unable to perform the duties of his office, the Governor in Council may, if he thinks fit, appoint a fit and proper person qualified as hereinbefore required or a Judge of the County Court to be an acting Judge of the Court for the period during which such Judge of the Court is temporarily absent or unable to perform the duties of his office and for no longer. ”

(2) When and so often as the Chief Justice certifies that it is desirable for an acting Judge to be appointed temporarily to assist in disposing of the business of the Court during any period the Governor in Council may, if he thinks fit, appoint a Judge of the County Court to be an acting Judge of the Court for such period as is specified by the Chief Justice in his certificate.

(3) An acting Judge shall hold office for the period for which he is appointed as a Judge of the Court for all purposes whatsoever, and shall during that period have the same powers and jurisdiction as a puisne Judge of the Court.

(4) An acting Judge may during the period for which he is so appointed be removed from office in such manner and upon such grounds as Judges of the Court are by law liable to be removed therefrom.”

Amendment of
No. 6387 s. 13.
Disqualification
of Judges.

4. (1) Section 13 of the Principal Act is hereby amended as follows :—

(a) Before the words “ No Judge ” there shall be inserted the expression “ (1) ” ;

(b) At the end of the section there shall be inserted the following sub-section :—

“ (2) Notwithstanding anything in sub-section (1) a Judge may accept take and perform the duties of another office or place to which, with his consent—

(a) he is appointed by the Governor in Council ;

or

(b) he is appointed with the consent of the Chief Justice and the Governor in Council—

but notwithstanding anything in any other Act or regulation a Judge shall not receive and shall not be capable of receiving any payment for or in respect of such other office or place.”

(2) This

(2) This section shall be deemed to have come into operation on the commencement of the Principal Act.

5. At the end of section 188 of the Principal Act there shall be inserted the following expression :—

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“ or

(iii) partly in an account referred to in sub-paragraph (i) and partly in government securities referred to in sub-paragraph (ii).”

Amendment of
No. 6387 s. 188.
Investment of
moneys held
by Master.

