

CLAUSE NOTES
Justice Miscellaneous (Increasing Judicial Retirement Age) Bill 2021

- Clause 1** **Short title**
Specifies the name of the proposed Act.
- Clause 2** **Commencement**
Provides that the Act commences on Royal Assent.
- Clause 3** **Principal Act**
Provides that the Principal Act being amended in Part 2 is the *Magistrates Court Act 1987*.
- Clause 4** **Section 8 amended (Qualification for appointment)**
The existing reference to '72 years' in section 8(2) of the Principal Act is omitted and substituted with '75 years'.

This will mean that a person will not be eligible to be appointed as a Magistrate after they have turned 75 years of age.
- Clause 5** **Section 9 amended (Tenure of office)**
The existing reference to '72 years' in section 9(4)(a) of the Principal Act is omitted and substituted with '75 years'.

This will mean that a Magistrate will be required to retire when they turn 75 years of age.
- Clause 6** **Principal Act**
Provides that the Principal Act being amended in Part 3 is the *Supreme Court Act 1887*.
- Clause 7** **Section 6A amended (Retirement of judges)**
The existing reference to '72 years' in section 6A(1) of the Principal Act is omitted and substituted with '75 years'.

This will mean that a judge of the Supreme Court of Tasmania will be required to retire when they turn 75 years of age.
- Clause 8** **Principal Act**
Provides that the Principal Act being amended in Part 4 is the *Supreme Court Act 1959*.

Clause 9 Section 5 amended (Tenure of office and terms of appointment of Associate Judge)

The existing reference to '72 years' in section 5(2) of the Principal Act is omitted and substituted with '75 years'.

This will mean that a person will not be eligible to be appointed, or to remain appointed, as an Associate Judge once they turn 75 years of age.

Clause 10 Repeal of Act

This automatically repeals the amending legislation one year after the Act commences.