

CLAUSE NOTES

Statutory Appointments (Miscellaneous Amendments) Bill 2017

Clause 1: Short title

Short title of the Bill.

Clause 2: Commences

The Act commences on Royal Assent.

Part 2 – Co-operative Schemes (Administrative Actions) Act 2001 amended

Clause 3: Principal Act

Principal Act in Part 2 is the *Co-operative Schemes (Administrative Actions) Act 2001*.

Clause 4: Section 3 amended (Interpretation)

Amends the definition of *Commonwealth authority* by removing “Federal Magistrates Court” and substituting “Federal Circuit Court of Australia”.

Part 3 – Corporations (Administrative Actions) Act 2001 amended

Clause 5: Principal Act

Principal Act in Part 3 is the *Corporations (Administrative Actions) Act 2001*.

Clause 6: Section 3 amended (Interpretation)

Amends the definition of *Commonwealth authority* by removing “Federal Magistrates Court” and substituting “Federal Circuit Court of Australia”.

Part 4 – Corrections Act 1997 amended

Clause 7: Principal Act

Principal Act in Part 4 is the *Corrections Act 1997*.

Clause 8: Section 62 amended (Establishment of Parole Board)

Amends Section 62 to change the eligibility requirements for appointment as a member of the Parole Board by removing the requirement that the appointee be a person who “has practised as a legal practitioner for at least 7 years” and substituting a requirement that the appointee “is an Australian lawyer of at least 7 years standing as an Australian legal practitioner”.

Part 5 – Legal Aid Commission Act 1990 amended

Clause 9: Principal Act

Principal Act in Part 5 is the *Legal Aid Commission Act 1990*.

Clause 10: Section 3 amended (Interpretation)

Amends Section 3 to remove reference to “barristers”.

Clause 11: Section 5 amended (Membership of Commission)

Amends Section 5(2)(b) to change the eligibility requirements for appointment to the Legal Aid Commission by removing the requirement that the appointee be “a legal practitioner or barrister of at least 5 years standing” and substituting a requirement that the appointee be “an Australian lawyer of at least 5 years standing as an Australian legal practitioner”.

Clause 12: Section 6 amended (Functions of Commission)

Amends section 6(1)(e) to remove reference to “barristers”.

Clause 13: Section 8 amended (Director of Legal Aid)

Amends Section 8(2) to change the eligibility requirements for appointment as Director of Legal Aid by removing the requirement that the appointee be “a barrister or legal practitioner” and substituting a requirement that the appointee be “an Australian lawyer”.

Clause 14: Section 9 amended (Acting Director)

Amends Section 9(1) to change the eligibility requirements for appointment as Acting Director of Legal Aid by removing the requirement that the appointee be “a barrister or legal practitioner” and substituting a requirement that the appointee be “an Australian lawyer”.

Clause 15: Section 13 amended (Constitution of Legal Aid Committees)

Amends Section 13(1) of the *Legal Aid Commission Act 1990* to remove reference to “barristers”.

Part 6 – Magistrates Court Act 1987 amended

Clause 16: Principal Act

Principal Act in Part 6 is the *Magistrates Court Act 1987*.

Clause 17: Section 4 amended (Appointment of Magistrates)

Amends Section 4(4A) to include judges of the Federal Circuit Court of Australia.

Part 7 – Property Agents and Land Transactions Act 2016 amended

Clause: 18: Principal Act

Principal Act in Part 7 is the *Property Agents and Land Transactions Act 2016*.

Clause 19: Section 5 amended (Property Agents Board continued)

Amends Section 5(2)(a) of the *Property Agents and Land Transactions Act 2016* to change the eligibility requirements for appointment as Chair of the Property Agents Board by removing the requirement that the appointee be a “legal practitioner, nominated by the Minister, who is of at least 5 years’ standing” and substituting a requirement that the appointee be “an Australian lawyer, nominated by the Minister, of at least 5 years’ standing as an Australian legal practitioner”.

Part 8 – Victims of Crime Assistance Act 1976 amended

Clause 20: Principal Act

Principal Act in Part 8 is the *Victims of Crime Assistance Act 1976*.

Clause 21: Section 2 amended (Interpretation)

Amends Section 2(1) by removing a reference to the office of Master of the Supreme Court.

Clause 22: Section 2A amended (Appointment of Commissioners)

Amends Section 2A(1) to change the eligibility requirements for appointment as a Criminal Injuries Compensation Commissioner by removing the requirement that appointees be “an Australian legal practitioner” and substituting a requirement that appointees be “an Australian lawyer of at least 5 years’ standing as an Australian legal practitioner”.

Amends Section 2A(3) to replace “Master of the Supreme Court” with “Associate Judge”.

Part 9 – Workers Rehabilitation and Compensation Act 1988 amended

Clause 23: Principal Act

Principal Act in Part 9 is the *Workers Rehabilitation and Compensation Act 1988*.

Clause 24: Section 3 amended (Interpretation)

Amends Section 3 by removing the definitions of “barrister” and “legal practitioner”.

Clause 25: Section 17A amended (Chief Workers Rehabilitation and Compensation Commissioner)

Amends Section 17A(2) to change the eligibility requirements for appointment as Chief Workers Rehabilitation and Compensation Commissioner by removing the requirement that appointees be “a practitioner or barrister of not less than 5 years’ standing” and substituting a requirement that appointees be “an Australian lawyer of at least 5 years’ standing as an Australian legal practitioner”.

Clause 26: Section 17B amended (Workers Rehabilitation and Compensation Commissioner)

Amends Section 17B(2) to change the eligibility requirements for appointment as a Workers Rehabilitation and Compensation Commissioner by removing the requirement that appointees be “a practitioner or barrister of not less than 5 years’ standing” and substituting a requirement that appointees be “an Australian lawyer of at least 5 years’ standing as an Australian legal practitioner”.

Clause 27: Section 18 amended (acting appointment)

Amends Section 18(1) to change the eligibility requirements for appointment as an Acting Workers Rehabilitation and Compensation Commissioner by removing the requirement that appointees be “a practitioner or barrister of not less than 5 years’ standing” and substituting a requirement that appointees be “an Australian lawyer of at least 5 years’ standing as an Australian legal practitioner”.

Clause 28: Section 19 amended (Part-time Workers Rehabilitation and Compensation Commissioners)

Amends Section 19(1) to change the eligibility requirements for appointment as a Temporary Workers Rehabilitation and Compensation Commissioner by removing the requirement that appointees be “a practitioner or barrister of not less than 5 years’ standing” and substituting a requirement that appointees be “an Australian lawyer of at least 5 years’ standing as an Australian legal practitioner”.

Clause 29: Section 42H amended (Representation during conciliation process)

Amends Section 42H(4) to remove a reference to “a practitioner” and substitute the term “Australian legal practitioner”.

Part 10 – Concluding Provision

Clause 30: Repeal of Act

Provide that this Act is repealed a year after it commences.