

## **GUIDELINES FOR THE APPOINTMENT OF ACTING JUDICIAL OFFICERS**

### ***Legislation***

- NSW courts legislation provides for the appointment of acting judicial officers, including acting magistrates, by commission for up to five years. Specifically,

*Section 37 Supreme Court Act 1970*

*Section 11 Land and Environment Court Act 1979*

*Section 18 District Court Act 1973*

*Section 16 Local Court Act 2007*

These Guidelines should be read in conjunction with the above courts legislation, the *Statutory and Other Officers Remuneration Act 1975* and the *Judge's Pensions Act 1953*.

### ***Appointments Generally***

- Acting judicial officers provide courts with flexibility in meeting varying workloads and backlogs.
- Acting judicial appointments may be made to address Court needs as follows:
  - Temporary variations in workloads;
  - Temporary absences of judicial officers through sickness or leave;
  - To reduce court backlogs or delays.
- Appointments may be made for a period of up to five years and will be made taking into account a clearly identified need and the workload of the court.
- Generally, only a former judicial officer will be appointed as an acting judicial officer.
- A former judicial officer who is appointed as an acting judicial officer does not have an entitlement to be appointed at the same level they may have previously held in the court.
- A previous appointment as an acting judicial officer does not give a person an entitlement to reappointment as an acting judicial officer.
- Appointments will be limited in number and are not intended to replace the permanent judicial strength of a court.
- During the term of any Commission, acting judicial appointees must be available to serve and must not be engaged in any activity or employment, which is incompatible with judicial office.
- Appointments and reappointments will be made after consultation with the head of jurisdiction, that is, the most senior judicial officer of each court. No person will be appointed or reappointed without the head of jurisdiction's consent.

## ***Terms and Conditions of Office***

- Appointments will generally be made on 1 July each year for a period of up to 5 years.
- The maximum age for appointment as an acting judicial officer is 77 years.
- A person appointed as an acting judicial officer is entitled to be paid remuneration in accordance with the *Statutory and Other Officers Remuneration Act 1975* or in accordance with Schedule 1 of the *Local Court Act 2007*.
- Where a retired judicial officer is appointed as an acting judicial officer, they retain their full pension entitlements, as provided for by the *Judge's Pensions Act 1953*, while serving as an acting judicial officer (acting magistrates are not covered by the *Judges Pensions Act 1953*).

## ***Accommodation and Other Support***

- The court determines the provision of support staff, accommodation and equipment for an acting judicial officer.

## ***Expressions of Interest***

- Retired judicial officers or judicial officers approaching retirement, who are interested in being appointed as acting judicial officers, should advise the relevant head of jurisdiction.