

Madam Speaker Purick took the Chair at 10 am.

VISITORS
Moulden Primary School

Madam SPEAKER: Honourable members, I advise of the presence in the gallery of Year 5 and 6 students from Moulden Primary School, accompanied by their teachers. Welcome to Parliament House. I hope you enjoy your time here.

Members: Hear, hear!

JUDICIAL COMMISSION BILL
(Serial 125)

Ms FYLES (Attorney-General and Justice): Madam Speaker, I present a bill entitled the Judicial Commission Bill 2020. I table a copy of the explanatory statement and a statement on compatibility with human rights as defined in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011* of the Commonwealth.

I move that the bill be now read a first time.

The purpose of this bill is to establish a formal statutory scheme to investigate complaints against the ability or conduct of judicial officers and members of the Northern Territory Civil and Administrative Tribunal, known as NTCAT.

Although the Northern Territory is a small jurisdiction, it is served by an exceptionally high calibre of dedicated judicial officers and NTCAT members, working daily in our courts and in NTCAT to deliver justice for Territorians.

The judiciary, as one of the three arms of government in our Westminster system, exercises public power and is, therefore, accountable to the public. The public expects judicial officers to maintain the highest possible standards of conduct and ability. In general, the accountability of judicial officers is maintained through the public nature of their work, the requirement to give reasons for decisions and by appeal and review processes.

In addition, the Northern Territory, in common with other Australian jurisdictions, makes statutory provision for the removal of judges and members of NTCAT from office. Removal from office is reserved for the most extreme misconduct or incapacity. Since Federation, very few judicial officers have been removed from office in Australia. Judges and members of NTCAT can only be removed from office by the Administrator on address by the Legislative Assembly on the grounds of proved misconduct or incapacity. Removal from office by the executive only following consideration by parliament ensures the independence of the judiciary. Acting or associate Supreme Court Judges can be removed by the Administrator acting on the advice of the executive council, again only on the grounds of proved misconduct or incapacity.

The Northern Territory, however, does not have a structured, transparent and accessible process to get to the point of consideration of removal from office. Nor does it have a formal process to deal with less serious complaints of misconduct and incapacity. Currently, these complaints are dealt with by the head of jurisdiction alone. Such a system lacks transparency but also places a great burden on one individual, particularly in a small jurisdiction like the Territory where judicial officers inevitably know each other well.

This bill overcomes the absence of structured, transparent and accessible processes. The establishment of a judicial commission to handle complaints about conduct or capacity will complement the existing ways in which judicial officers and members of NTCAT are held accountable to the public.

The impetus for establishing a Judicial Commission has not come from us, as members of parliament, but from the judiciary and the legal profession. In September 2018, Hon Chief Justice Michael Grant, former Chief Judge Dr John Lowndes and the President of the Law Society presented me with a draft proposal for a judicial commission. The bill I present today has been developed in consultation with the heads of jurisdiction, including His Honour Judge Richard Bruxner, President of NTCAT; the Law Society of the Northern Territory; and the Northern Territory Bar Association. I thank them all for their invaluable input into, and support for, this important bill.