

RECOMMENDATIONS

Recommendation 1

2.32 The committee recommends that the Courts Legislation Amendment (Judicial Complaints) Bill 2012 be passed.

Recommendation 2

3.59 The committee recommends that subclause 13(2) of the Judicial Misbehaviour and Incapacity (Parliamentary Commissions) Bill 2012 be amended to provide that the Prime Minister must consult with the Leader of the Opposition, and both parliamentary presiding officers, before nominating a member of a parliamentary commission.

Recommendation 3

3.60 The committee recommends that subclause 13(3) of the Judicial Misbehaviour and Incapacity (Parliamentary Commissions) Bill 2012 be amended to exclude serving judges of a supreme court of a state or territory from appointment to a parliamentary commission.

Recommendation 4

3.64 The committee recommends that clause 48 of the Judicial Misbehaviour and Incapacity (Parliamentary Commissions) Bill 2012 be amended to make clear that all evidence gathered and findings made by a commission must be included in either the report tabled in the parliament, or in the separate report on sensitive matters provided to the parliamentary presiding officers.

Recommendation 5

3.66 The committee recommends that clause 48 of the Judicial Misbehaviour and Incapacity (Parliamentary Commissions) Bill 2012 be amended to explicitly provide guidance in relation to the long-term storage and custody of a commission's separate report on sensitive matters.

Recommendation 6

3.69 The committee recommends that clause 67 of the Parliamentary Commissions Bill be amended to clarify the application and protection of parliamentary privilege to the proceedings and reports of parliamentary commissions, and their use in the prosecution of offences against parliamentary commissions.

Recommendation 7

3.70 The committee recommends that, subject to recommendations 2 to 6, the Judicial Misbehaviour and Incapacity (Parliamentary Commissions) Bill 2012 be passed.

