

EXPLANATORY STATEMENT

Subject - *Federal Circuit Court of Australia Legislation Amendment Act 2012*

Proclamation

This Proclamation sets 12 April 2013 as the date for commencement of Schedules 1 and 2 to the *Federal Circuit Court of Australia Legislation Amendment Act 2012* (the Act).

The Act amends the *Federal Magistrates Act 1999* and other legislation to rename the Federal Magistrates Court as the 'Federal Circuit Court of Australia', and to change the titles of Chief Federal Magistrate to 'Chief Judge' and Federal Magistrate to 'Judge'. Changing the name of the Federal Magistrates Court is not intended to create a new, separate federal court or to change existing entitlements for Federal Magistrates. The Act will continue the Court in existence under the new name and will not alter its jurisdiction or status as a court of record.

Schedule 1 amends the *Federal Magistrates Act 1999* to rename the Court and its judicial officers and to make consequential amendments to statutory position titles associated with the Court, such as the Registrar of the Federal Magistrates Court. Schedule 1 also amends the *Judges' Pensions Act 1968*, *Judges (Long Leave Payments) Act 1979*, *Maternity Leave (Commonwealth Employees) Act 1973* and *Parliamentary Contributory Superannuation Act 1948* to preserve Federal Magistrates' current entitlements.

Schedule 2 to the Act provides transitional and saving arrangements, including ensuring the continuity of the Federal Magistrates Court, Federal Magistrates and Court personnel, and existing arrangements for retired disabled Federal Magistrates.

Commencement of Schedules 1 and 2 to the Act will also cause Schedules 1 and 2 to the *Federal Circuit Court of Australia (Consequential Amendments) Act 2013* (Consequential Amendments Act) to commence. Schedules 1 and 2 to the Consequential Amendments Act will update references to the Federal Magistrates Court or Federal Magistrates in Commonwealth legislation to reflect the new Court name and titles.

The Proclamation was drafted by the Office of Parliamentary Counsel. No consultation was required given the administrative nature of the instrument.

The Proclamation is registered on the Federal Register of Legislative Instruments under the *Legislative Instruments Act 2003*.

Authority: Subsection 2(1) of the of the *Federal Circuit Court of Australia Legislation Amendment Act 2012*

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

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This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Legislative Instrument

The Proclamation sets 12 April 2013 as the date for commencement of Schedules 1 and 2 to the *Federal Circuit Court of Australia Legislation Amendment Act 2012* (the Act).

Human rights implications

The Proclamation does not engage any of the applicable rights or freedoms.

Conclusion

The Proclamation is compatible with human rights and does not raise any human rights issues.