ARRANGEMENT OF CLAUSES.

1. Repeal and Replacement of Section 1.
2. New Section 6.
3. Amendment of Certificate.
A BILL

for

An ACT

titled

Judicial Conduct (Amendment) Act 2012.

Being an Act to amend the Judicial Conduct Act 2012.

Made by the National Parliament in relation to Section 1 and 3 - to be deemed to have come into operation on 1November 2011 and in relation to Section 2 - to come into operation on certification.

1. REPEAL AND REPLACEMENT OF SECTION 1.
Section 1 of the Principal Act is repealed and replaced with the following: -

"1. COMPLIANCE WITH CONSTITUTIONAL REQUIREMENTS.
This Act, to the extent that it regulates or restricts a right or freedom referred to in Subdivision III.3.C. (Qualified Rights) of the Constitution, namely: -
   (a) the right to freedom from arbitrary search and entry conferred by Section 44; and
   (b) the right to freedom of conscience, thought and religion conferred by Section 45, and
   (c) the right to freedom of expression conferred by Section 46; and
   (d) the right to freedom of assembly and association conferred by Section 47; and
   (e) the right to freedom of employment conferred by Section 48; and
   (f) the right to freedom of privacy conferred by Section 49; and
   (g) the right to freedom of equality of citizens conferred by Section 55,
   of the Constitution, is a law that is made for the purpose of giving effect to the public interest in public safety, public order and public welfare and to the extent that this law regulates or restricts a right or freedom referred to in Section 53 of the Constitution requiring a judicial officer to comply with the intent of Parliament it is hereby declared that: -
   (h) the right to hold office as a judicial officer is a public office and public purpose for the purposes of Section 53(1)(a)(i) of the Constitution, and
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(i) the acquisition or the termination of a right to hold that public office is a reason that is reasonably justified in a democratic society that has a proper regard for the rights and dignity of mankind for the purpose of Section 53(1)(a)(ii) of the Constitution.”.

2. NEW SECTION 6.
The Principal Act is amended by adding after Section 5, the following: -

“6. OFFENCE.
Any judge:-
(a) who purports to exercise judicial power, either alone, or in company with other judges, knowing that he or she has been the subject of a resolution by the Parliament as provided for in Section 5; or
(b) who exercises judicial power in a proceeding together with a Judge referred to in Paragraph (a) knowing that such last mentioned Judge has been the subject of a resolution by the Parliament as provided for in Section 5, commits an offence and is liable on conviction to imprisonment for a term not exceeding seven years and a loss of all retirement benefits.”.

3. AMENDMENT OF CERTIFICATE.
The Principal Act is amended in the certificate signed by the Clerk of the National Parliament and the Speaker of the National Parliament by repealing the words and figures, “Judicial Control Act 2012” (twice occurring) and replacing them with the following:-

“Judicial Conduct Act 2012”.

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