

Family Courts Amendment Bill

Government Bill

As reported from the committee of the whole House

This bill was formerly part of the Judicial Matters Bill as reported from the Justice and Electoral Committee. The committee of the whole House has further amended the bill and has divided it into the following bills:

- The Judicial Conduct Commissioner and Judicial Conduct Panel Bill, comprising Part 1 and Schedules 1AA and 1
- The Children, Young Persons, and Their Families Amendment Bill (No 3), comprising clauses 36 to 38
- The Coroners Amendment Bill (No 2), comprising clause 39
- The Courts Martial Appeals Amendment Bill (No 2), comprising clause 40
- The District Courts Amendment Bill (No 3), comprising clauses 41 to 45
- The Employment Relations Amendment Bill, comprising clauses 46 to 48
- This bill, comprising clauses 49 and 50
- The Judicature Amendment Bill (No 2), comprising clauses 51 to 60 and Schedule 2
- The Resource Management Amendment Bill (No 3), comprising clauses 61 to 65
- The Summary Proceedings Amendment Bill (No 2), comprising clauses 66 to 71
- Te Ture Whenua Maori Amendment Bill, comprising clauses 72 to 75.

Hon Margaret Wilson

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The Parliament of New Zealand enacts as follows:

1 Title

- (1) This Act is the Family Courts Amendment Act **2004**.
 - (2) In this Act, the Family Courts Act 1980¹ is called “the principal Act”.
- ¹ 1980 No 161

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

49 New section 6 substituted

The Family Courts Act 1980 is amended by repealing section 6, and substituting the following section:

“6 Principal Family Court Judge

- “(1) The Governor-General must, on the advice of the Attorney-General, appoint a Principal Family Court Judge.
- “(2) The appointment must be for a period of 8 years, and the person is not eligible for reappointment.
- “(3) A person’s appointment as Principal Family Court Judge ceases if he or she ceases to hold office as a District Court Judge.
- “(4) With the prior approval of the Governor-General, the Principal Family Court Judge may resign that office but continue in office as a District Court Judge.

- “(5) To avoid doubt, a person does not cease to hold office as a District Court Judge solely because the term of the person’s appointment as Principal Family Court Judge has come to an end.
- “(6) Despite **subsection (2)**, the Principal Family Court Judge continues in office until his or her successor comes into office.
- “(7) The Principal Family Court Judge is responsible for ensuring the orderly and expeditious discharge of the business of the Court in consultation with the Chief District Court Judge.”

50 Section 6(2) not to apply to existing Principal Family Court Judge

Nothing in section 6(2) of the Family Courts Act 1980, as substituted by **section 49**, applies to the person who, immediately before this Act came into force, held office as the Principal Family Court Judge.

Legislative history

12 May 2004

Divided from Judicial Matters Bill (Bill 71–2) as
Bill 71–3G
