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**HOUSE OF REPRESENTATIVES**  
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# Supplementary Order Paper

Wednesday, the 12th Day of October 1977

HUMAN RIGHTS COMMISSION BILL

## *Proposed Amendment*

Hon. Mr THOMSON, in Committee, to move the insertion, after *clause* 57, of the following clause:

**57A. Additional members of Administrative Division of Supreme Court for purposes of Act—**(1) For the purpose of the exercise by the Administrative Division of the Supreme Court of its jurisdiction and powers—

- (a) Under section 36B of this Act; or
- (b) Under sections 53 to 57 of this Act in respect of any appeal in which a question of fact is involved,—

there shall be two additional members of the Division who shall be persons appointed by a Judge of the Division for the purposes of the hearing or appeal from the panel maintained by the Minister under section 39 (4) of this Act.

(2) Before entering upon the exercise of the duties of their office, the additional members shall take an oath before a Judge of the Supreme Court that they will faithfully and impartially perform the duties of their office.

(3) The presence of a Judge of the Administrative Division and of at least one additional member shall be necessary to constitute a sitting of the Court.

(4) The decision of a majority (including the Judge, or, where more than one Judge sits, including a majority of the Judges) of the members present at a sitting of the Court shall be the decision of the Court. If the members present are equally divided in opinion, the decision of the Judge, or of a majority of the Judges, shall be the decision of the Court.

(5) If any question before the Court cannot be decided in accordance with subsection (4) of this section, the question shall be referred to the Court of Appeal for decision in accordance with the practice and procedure of that Court, which for the purpose shall have all the powers of the Court under this Act. The decision of the Court of Appeal in any proceedings under this subsection shall be final and shall take effect and be entered as if it were a decision of the Court under this Act.

(6) There shall be paid to the additional members, out of money appropriated by Parliament for the purpose, remuneration by way of fees, salary, or allowances and travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly as if the Division were a statutory Board within the meaning of that Act.

#### EXPLANATORY NOTE

The proposed clause 57A is in substitution for the clause 57A set out on Supplementary Order Paper No. 40.

The only difference is in the application of subclause (1) of the clause to an appeal to which *clauses 53 to 57* of the Bill apply.

Under subclause (1) of the clause 57A set out on Supplementary Order Paper No. 40 additional members are to be appointed to the Administrative Division of the Supreme Court for the purposes of every such appeal.

Under subclause (1) of the clause 57A proposed on this Supplementary Order Paper those additional members are to be appointed only where such an appeal involves a question of fact.