

**JUSTICES (LOCAL COURTS) AMENDMENT ACT, 1982,  
No. 165**

**New South Wales**



ANNO TRICESIMO PRIMO  
**ELIZABETHÆ II REGINÆ**

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**Act No. 165, 1982.**

**An Act to amend the Justices Act, 1902, as a consequence of the enactment of the Local Courts Act, 1982; to vary the requirements for the hearing of certain proceedings under the Justices Act, 1902; and to make certain savings. [Assented to, 24th December, 1982.]**

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*Justices (Local Courts) Amendment.*

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**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

**Short title.**

**1.** This Act may be cited as the "Justices (Local Courts) Amendment Act, 1982".

**Commencement.**

**2. (1)** Sections 1–3 and Schedule 4 (1) and (2) shall commence on the date of assent to this Act.

**(2)** Except as provided by subsections (1) and (3), this Act shall commence on the day appointed and notified pursuant to section 2 (2) of the Local Courts Act, 1982.

**(3)** Section 5 shall, in its application to a provision of Schedules 1–8, commence on the day on which that provision commences.

**Principal Act.**

**3.** The Justices Act, 1902, is referred to in this Act as the Principal Act.

**Schedules.**

**4.** This Act contains the following Schedules:—

SCHEDULE 1.—AMENDMENTS TO PART I OF THE PRINCIPAL ACT.

SCHEDULE 2.—REPEAL OF PART II OF THE PRINCIPAL ACT.

SCHEDULE 3.—AMENDMENTS TO PART III OF THE PRINCIPAL ACT.

SCHEDULE 4.—AMENDMENTS TO PART IV OF THE PRINCIPAL ACT.

SCHEDULE 5.—AMENDMENTS TO PART IV<sub>A</sub> OF THE PRINCIPAL ACT.

SCHEDULE 6.—AMENDMENTS TO PART V OF THE PRINCIPAL ACT.

SCHEDULE 7.—AMENDMENT TO PART VI OF THE PRINCIPAL ACT.

SCHEDULE 8.—AMENDMENTS TO PART VII OF THE PRINCIPAL ACT.

SCHEDULE 9.—SAVINGS.

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*Justices (Local Courts) Amendment.*

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**Amendment of Act No. 27, 1902.**

5. The Principal Act is amended in the manner set forth in Schedules 1-8.

**Savings.**

6. Schedule 9 has effect.

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**SCHEDULE 1.**

(Sec. 5.)

**AMENDMENTS TO PART I OF THE PRINCIPAL ACT.**

- (1) (a) Section 1—  
Omit the matter relating to Part II.
- (b) Section 1—  
From the matter relating to Part III, omit "APPOINTMENT, &C., OF STIPENDIARY MAGISTRATES—", insert instead "MAGISTRATES AND".
- (2) (a) Section 3 (1), definition of "Chief Magistrate"—  
After the definition of "Accused person", insert:—  
"Chief Magistrate" means the Chief Magistrate of the Local Courts appointed under the Local Courts Act, 1982.
- (b) Section 3 (1), definitions of "Local Court", "Magistrate"—  
After the definition of "Justice", insert:—  
"Local Court" means a Local Court established under the Local Courts Act, 1982.  
"Magistrate" means a Magistrate within the meaning of the Local Courts Act, 1982.

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*Justices (Local Courts) Amendment.*

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SCHEDULE 1—*continued.*

AMENDMENTS TO PART I OF THE PRINCIPAL ACT—*continued.*

(3) Section 4 (2)—

Omit “Stipendiary”.

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SCHEDULE 2.

(Sec. 5.)

REPEAL OF PART II OF THE PRINCIPAL ACT.

Part II—

Omit the Part.

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SCHEDULE 3.

(Sec. 5.)

AMENDMENTS TO PART III OF THE PRINCIPAL ACT.

(1) Part III, heading—

Omit “APPOINTMENT, &C., OF STIPENDIARY MAGISTRATES—”, insert instead “MAGISTRATES AND”.

(2) Sections 7, 7A, 9—

Omit the sections.

(3) (a) Section 10 (1)—

Omit “such Stipendiary” where firstly occurring.

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*Justices (Local Courts) Amendment.*

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SCHEDULE 3—*continued.*AMENDMENTS TO PART III OF THE PRINCIPAL ACT—*continued.*

## (b) Section 10 (1)—

Omit “such Stipendiary” where secondly occurring, insert instead “a”.

## (c) Section 10 (2)—

Omit “Justices sitting or acting in Petty Sessions within the district to which such Stipendiary Magistrate is appointed”, insert instead:—

a Justice or Justices sitting or acting as a Local Court held—

(a) at a particular place; or

(b) within a particular district,

being a place or district, as the case may be, appointed under section 6 (1) of the Local Courts Act, 1982

## (d) Section 10 (3)—

Omit “at such Petty Sessions”, insert instead “by or before a Justice or Justices sitting or acting as a Local Court held as referred to in subsection (2)”.

## (e) Section 10 (3)—

Omit “the Stipendiary Magistrate having jurisdiction at the Court or place appointed for his sitting”, insert instead “a Magistrate sitting or acting as that Local Court”.

## (4) Sections 11, 13 (1), 16, 18—

Omit “Stipendiary” wherever occurring.

## (5) Section 12—

Omit the section.

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*Justices (Local Courts) Amendment.*

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SCHEDULE 3—*continued.*

AMENDMENTS TO PART III OF THE PRINCIPAL ACT—*continued.*

(6) (a) Section 13 (1)—

Omit “Petty or other Sessions of Peace”, insert instead “Local Court”.

(b) Section 13 (1)—

Omit “now”.

(7) Section 14—

Omit the section.

(8) Section 16—

Omit “appointed under this Act”.

(9) Section 18—

Omit “Petty Sessions” wherever occurring, insert instead “the Local Court”.

(10) Section 19—

Omit “Petty Sessions”, insert instead “Local Court”.

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*Justices (Local Courts) Amendment.*

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## SCHEDULE 4.

(Sec. 5.)

## AMENDMENTS TO PART IV OF THE PRINCIPAL ACT.

## (1) Section 32—

Omit the section, insert instead:—

**Place of hearing to be an open court.**

32. Subject to any Act or other law, the room or place in which a Justice or Justices takes or take the examination and statements in any case where a person is charged with an indictable offence shall be deemed to be an open and public court, to which all persons may have access so far as that room or place can conveniently contain them.

## (2) (a) Section 67—

Omit “The room”, insert instead “Subject to any Act or other law, the room”.

## (b) Section 67—

After “deemed”, insert “to be”.

## (c) Section 67—

Omit “the same”, insert instead “that room or place”.

## (3) Section 75B (8)—

Omit “stipendiary magistrate”, insert instead “Magistrate”.

## (4) (a) Section 82 (2A)—

Omit “operate as an order for the payment of money under the Small Debts Recovery Act, 1912, and any Act amending the same, and be enforceable as such order under the provisions of the said Acts”, insert instead “be deemed to be a judgment for

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*Justices (Local Courts) Amendment.*

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SCHEDULE 4—*continued.*AMENDMENTS TO PART IV OF THE PRINCIPAL ACT—*continued.*

the total amount so adjudged to be paid given by a Magistrate exercising the jurisdiction conferred on a Local Court by the Local Courts (Civil Claims) Act, 1970”.

## (b) Section 82 (2B) (b) (i)—

Omit “petty sessions”, insert instead “Local Court”.

## (c) Section 82 (2B) (b) (ii)—

Omit “petty sessions”, insert instead “Local Courts”.

## (d) Section 82 (2B)—

Omit “of the Small Debts Court exercising jurisdiction at the petty sessions at which that conviction or order or, as the case may be, any of those convictions or orders was made”, insert instead “of any Local Court on which jurisdiction is conferred by the Local Courts (Civil Claims) Act, 1970, and be enforced as a judgment or, as the case may be, judgments given in that Local Court for a debt due to the Crown by the corporate body”.

## (e) Section 82 (2c)—

After “entered” where firstly occurring, insert “at the same time”.

## (f) Section 82 (2c)—

Omit “operate as one order for the payment of”, insert instead “be deemed to be one judgment for”.

## (5) Section 84 (2)—

Omit “Stipendiary”, insert instead “Magistrate”.



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*Justices (Local Courts) Amendment.*

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*SCHEDULE 4—continued.**AMENDMENTS TO PART IV OF THE PRINCIPAL ACT—continued.*

## (6) Sections 92, 94 (2)—

Omit “division” wherever occurring, insert instead “Local Court for the district”.

## (7) Section 98 (1)—

Omit “out of Sessions”, insert instead “, who is not for the time being constituting a Local Court.”.

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*SCHEDULE 5.*

(Sec. 5.)

*AMENDMENTS TO PART IV A OF THE PRINCIPAL ACT.*

## (1) (a) Section 100A (2)—

Omit “court” where firstly occurring, insert instead “Local Court”.

## (b) Section 100A (2)—

Omit “court of petty sessions”, insert instead “Local Court”.

## (c) Section 100A (2A)—

Omit “petty sessions”, insert instead “a Local Court”.

## (d) Section 100A (2A)—

Omit “court” wherever occurring, insert instead “Local Court”.

## (2) Section 100B (1), (2)—

Omit “court” wherever occurring, insert instead “Local Court”.

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*Justices (Local Courts) Amendment.*

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SCHEDULE 5—*continued.*

AMENDMENTS TO PART IVA OF THE PRINCIPAL ACT—*continued.*

- (3) (a) Section 100c—  
Omit “court of petty sessions”, insert instead “Local Court”.
- (b) Section 100c—  
Omit “Stipendiary”.
- (4) Section 100D (b)—  
Before “Court”, insert “Local”.

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SCHEDULE 6.

(Sec. 5.)

AMENDMENTS TO PART V OF THE PRINCIPAL ACT.

- (1) Section 102 (2)—  
Omit “Petty Sessions”, insert instead “the Local Court”.
- (2) (a) Section 104A (1), definition of “Justice”—  
Omit “magistrate” wherever occurring, insert instead “Magistrate”.
- (b) Section 104A (1), definition of “Magistrate”—  
Omit “means a Stipendiary Magistrate,”, insert instead “includes”.
- (c) Section 104A (2)–(9)—  
Omit “magistrate” wherever occurring, insert instead “Magistrate”.

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*Justices (Local Courts) Amendment.*

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SCHEDULE 6—*continued.*AMENDMENTS TO PART V OF THE PRINCIPAL ACT—*continued.*

- (d) Section 104A (10)—  
Omit “original magistrate” wherever occurring, insert instead “original Magistrate”.
- (e) Section 104A (10) (a)—  
Omit “chairman of the bench of Stipendiary Magistrates appointed under this Act, or the person for the time being acting as such chairman”, insert instead “Chief Magistrate”.
- (f) Section 104A (11)—  
Omit “magistrate” wherever occurring, insert instead “Magistrate”.
- (g) Section 104A (12)—  
Omit the subsection.
- (3) (a) Section 104B (1)—  
Omit “Stipendiary” wherever occurring.
- (b) Section 104B (7) (a)—  
Omit “chairman of the bench of Stipendiary Magistrates, or the person for the time being acting as that chairman”, insert instead “Chief Magistrate”.
- (4) Section 122 (1), (1B)—  
Omit “court of petty sessions” wherever occurring, insert instead “Local Court”.
- (5) Section 125 (1A)—  
Omit “magistrate” wherever occurring, insert instead “Magistrate”.

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*Justices (Local Courts) Amendment.*

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SCHEDULE 6—*continued.*

AMENDMENTS TO PART V OF THE PRINCIPAL ACT—*continued.*

(6) (a) Section 131 (1) (a)—

Omit “Petty Sessions at the Court of Petty Sessions”, insert instead “the Local Court”.

(b) Section 131 (1) (a)—

After “heard”, insert “and be so paid at that Court”.

(c) Section 131 (2)—

Omit the subsection, insert instead:—

(2) Where a corporate body is so ordered to pay costs, the order—

(a) shall be deemed to be a judgment for the amount of the costs so ordered to be paid given by a Magistrate exercising the jurisdiction conferred on a Local Court by the Local Courts (Civil Claims) Act, 1970; and

(b) may be entered in the records of any Local Court on which jurisdiction is so conferred and be enforced as a judgment given in that Local Court for a debt due to the Crown by the corporate body.

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SCHEDULE 7.

(Sec. 5.)

AMENDMENT TO PART VI OF THE PRINCIPAL ACT.

Section 140—

Omit “Court of Petty Sessions”, insert instead “Local Court”.

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*Justices (Local Courts) Amendment.*

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## SCHEDULE 8.

(Sec. 5.)

## AMENDMENTS TO PART VII OF THE PRINCIPAL ACT.

(1) Section 147A—

Omit “Stipendiary” wherever occurring.

(2) (a) Section 152—

Omit “Court of Petty Sessions”, insert instead “Local Court”.

(b) Section 152—

Omit “Stipendiary” wherever occurring.

(3) (a) Section 154 (1) (a)—

Omit “courts of petty sessions”, insert instead “Local Courts”.

(b) Section 154 (1c)—

Omit “court of petty sessions”, insert instead “Local Court”.

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SCHEDULE 9.

(Sec. 6.)

## SAVINGS.

**Interpretation: Sch. 9.**

1. In this Schedule—

“appointed day” means the day appointed and notified under section 2 (2) of the Local Courts Act, 1982;

“corresponding Court” has the meaning ascribed to that expression in clause 1 of Schedule 1 to the Local Courts Act, 1982;

“Local Court” means a Local Court established under the Local Courts Act, 1982.

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*Justices (Local Courts) Amendment.*

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SCHEDULE 9—*continued.*

SAVINGS—*continued.*

**Saving of proceedings, etc.**

2. (1) Any proceedings commenced in a court of petty sessions before the appointed day and to or in respect of which the Principal Act applied may be continued and completed in the corresponding Court and any judgment or decision given and any order made in respect of any such proceedings may be enforced in the corresponding Court.

(2) Any conviction or order entered before the appointed day in the records of a court of petty sessions exercising jurisdiction under the Courts of Petty Sessions (Civil Claims) Act, 1970, pursuant to section 82 (2B) of the Principal Act shall be deemed to have been entered in the records of the corresponding Court pursuant to section 82 (2B) of the Principal Act, as amended by this Act.

**Application of section 104A of the Principal Act to certain determinations.**

3. Section 104A of the Principal Act, as amended by this Act, applies in respect of a determination made by a person in proceedings held before him sitting alone as a stipendiary magistrate before the appointed day in the same way as it applies in respect of a determination made by a Magistrate on or after the appointed day, and it so applies—

- (a) where the person accedes to the office of a Magistrate on the appointed day, as if the determination had been made by the person as a Magistrate; or
  - (b) where the person does not accede to the office of a Magistrate on the appointed day, as if the determination had been made by a Magistrate who is unable by reason of absence to attend to the duties of his office on and from that day.
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