



New South Wales

Courts and Other Legislation Further Amendment Act 2011 No 38

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Courts and Other Legislation Further Amendment Act 2011 No 38

Act No 38, 2011

An Act to make further miscellaneous amendments to legislation relating to courts and certain other legislation administered by the Attorney General. [Assented to 13 September 2011]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Courts and Other Legislation Further Amendment Act 2011*.

2 Commencement

- (1) This Act commences on the date of assent to this Act, except as provided by subsection (2).
- (2) Schedule 4 commences on a day to be appointed by proclamation.

Schedule 1 Amendment of Civil Procedure Act 2005 No 28

Schedule 6 Savings, transitional and other provisions

Omit clause 19. Insert instead:

19 Application of Part 2A

- (1) Part 2A (as inserted by the *Courts and Crimes Legislation Further Amendment Act 2010*) applies only to civil proceedings commenced on or after the application day (regardless of whether the civil dispute to which any such proceedings relate arose before, on or after that day).
- (2) The ***application day*** for the purposes of this clause is:
 - (a) the day that is 18 months after the day on which Schedule 1 to the *Courts and Other Legislation Further Amendment Act 2011* commences, or
 - (b) such earlier day as the Governor may appoint by proclamation published on the NSW legislation website.
- (3) Subject to the regulations, Part 2A (as inserted by the *Courts and Crimes Legislation Further Amendment Act 2010*) is taken not to have applied to any civil proceedings commenced before the application day. However, any purported compliance with the provisions of that Part before that day does not affect the validity or prevent the continuation of any civil proceedings that have otherwise been duly commenced.

Schedule 2 Amendment of Guardianship Act 1987 No 257

Section 13 Care of persons pending proceedings

Insert after section 13 (1):

- (1A) The Minister may delegate to the Director-General, or to any other person, the exercise of the Minister's function to approve the place in which a person may be placed in the care of the Director-General under this section.
- (1B) The Director-General may delegate to any person the exercise of a function delegated to the Director-General by the Minister under subsection (1A).

**Schedule 3 Amendment of Land and Environment
Court Act 1979 No 204**

[1] Section 19 Class 3—land tenure, valuation, rating and compensation matters

Insert “36 (7) or” after “appeals under section” in section 19 (g2).

[2] Schedule 3 Savings, transitional and other provisions

Insert at the end of clause 1A (1):

Courts and Other Legislation Further Amendment Act 2011 (but only to the extent it amends this Act)

Schedule 4 Amendment of Victims Support and Rehabilitation Act 1996 No 115

[1] Section 78 Application of Part

Insert after section 78 (2):

- (3) In this Part, *conviction* does not include an order made under section 10 (1) (a) of the *Crimes (Sentencing Procedure) Act 1999* in relation to an offence that is not punishable by imprisonment (whether or not it is also punishable by some other penalty).

[2] Schedule 3 Savings, transitional and other provisions

Insert at the end of clause 1 (1):

Courts and Other Legislation Further Amendment Act 2011 (but only to the extent it amends this Act)

[3] Schedule 3

Insert at the end of the Schedule (with appropriate Part and clause numbering):

Part Provision consequent on enactment of Courts and Other Legislation Further Amendment Act 2011

Application of amendment

Part 5 of this Act (as amended by the *Courts and Other Legislation Further Amendment Act 2011*) applies to a person convicted of an offence (within the meaning of that Part as amended) after the commencement of the amendment even if the offence was committed before that commencement.

[Agreement in principle speech made in Legislative Assembly on 26 August 2011

Second reading speech made in Legislative Council on 8 September 2011]

BY AUTHORITY