



New South Wales

District Court Legislation Amendment Act 2025 No 53

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New South Wales

District Court Legislation Amendment Act 2025 No 53

Act No 53, 2025

An Act to amend the *District Court Act 1973* to provide for the office of Deputy Chief Judge and related matters; and to make consequential amendments to other Acts. [Assented to 17 September 2025]

The Legislature of New South Wales enacts—

1 Name of Act

This Act is the *District Court Legislation Amendment Act 2025*.

2 Commencement

This Act commences on the date of assent to this Act.

Schedule 1 Amendment of District Court Act 1973 No 9

[1] Part 2, Division 2, Subdivision 1

Insert after Part 2, Division 2, heading—

Subdivision 1 Composition of Court and appointment of Judges

[2] Section 13 Appointment and qualifications of Judges

Omit “if he or she” from section 13(3). Insert instead “if the Chief Magistrate”.

[3] Section 13(3)(a)

Omit “he or she”. Insert instead “the Chief Magistrate”.

[4] Section 13(3)(b) and (c)

Omit “his or her” wherever occurring. Insert instead “the Chief Magistrate’s”.

[5] Section 13(4)–(6)

Omit the subsections.

[6] Section 13(7)

Omit “he or she holds”. Insert instead “holding”.

[7] Section 13(8)

Omit “his or her” wherever occurring.

[8] Part 2, Division 2, Subdivision 2

Insert after section 15—

Subdivision 2 Chief Judge

15AA Office of Chief Judge

- (1) The Governor may appoint a Judge to be Chief Judge—
 - (a) by the commission of a person’s appointment as a Judge, or
 - (b) by a subsequent commission under the public seal of the State.
- (2) Subject to subsection (3), the Chief Judge holds office as long as the person holds office as a Judge.
- (3) With the approval of the Governor, the Chief Judge may resign from the office of Chief Judge without resigning from the office of Judge.

[9] Part 2, Division 2, Subdivisions 3 and 4

Insert after section 17—

Subdivision 3 Deputy Chief Judges

17A Office of Deputy Chief Judge

- (1) The Governor may, on the recommendation of the Attorney General and by a commission under the public seal of the State, appoint one or more Judges to be Deputy Chief Judge.

- (2) A Deputy Chief Judge is appointed for a term of 5 years and may be reappointed.
Note— See section 15, which provides for the remuneration of Judges, including Deputy Chief Judges, in accordance with the *Statutory and Other Offices Remuneration Act 1975*.
- (3) With the approval of the Governor, a Deputy Chief Judge may resign the office of Deputy Chief Judge without resigning from the office of Judge.
- (4) A Deputy Chief Judge may exercise any power of the Chief Judge delegated to the Deputy Chief Judge, other than the power of delegation.
Note— See also section 17, which provides for the Governor to appoint a Judge, including a Deputy Chief Judge, to be Acting Chief Judge.
- (5) A Deputy Chief Judge may, while holding the office of Deputy Chief Judge, hold another judicial office of the State.
- (6) If a Deputy Chief Judge, while holding the office of Deputy Chief Judge, holds another judicial office of the State, the Deputy Chief Judge is entitled to be paid the higher of the following—
- remuneration in accordance with the *Statutory and Other Offices Remuneration Act 1975*, as provided for in section 15,
 - remuneration as the holder of the other judicial office.

Subdivision 4 Acting Judges

[10] Part 2, Division 4, heading

Omit the heading. Insert instead—

Division 4 Arrangement of business of Court

[11] Section 18FAA

Insert after section 18F—

18FAA Power to give directions for orderly and expeditious discharge of business of Court

- (1) For the purposes of ensuring the orderly and expeditious discharge of the business of the Court, the Chief Judge and Deputy Chief Judges may give directions about the following—
- the Judges who are to exercise the Court's jurisdiction in specified matters or matters of a specified class,
 - the Judges who are to sit at proclaimed places and to exercise certain functions at the proclaimed places,
 - the matters or classes of matters that may be dealt with at the proclaimed places,
 - the specified functions to be exercised by specified Judges or Judges of a specified class.
- (2) The Chief Judge may consult with other Judges as the Chief Judge considers appropriate and practicable before giving a direction.
- (3) A direction given by the Chief Judge prevails, to the extent of any inconsistency, over a direction given by a Deputy Chief Judge.

[12] Part 2, Division 5, Subdivision 1, heading

Omit the heading. Insert instead—

Subdivision 1 Judicial Registrars

[13] Sections 18FA, 18FB and 18FC, headings

Omit “**Judicial Registrar**” wherever occurring. Insert instead “**Judicial Registrars**”.

[14] Sections 18FA(1), (2) and (6) and 18FC(1) and (2)

Omit “the Judicial Registrar” wherever occurring. Insert instead “a Judicial Registrar”.

[15] Sections 18FA(3) and (5) and 18FB(1)

Omit “The Judicial Registrar” wherever occurring. Insert instead “A Judicial Registrar”.

[16] Section 18FA(3)

Omit “his or her”. Insert instead “the Judicial Registrar’s”.

[17] Section 18FB(3)

Omit “by the Judicial Registrar”. Insert instead “by a Judicial Registrar”.

[18] Section 161(2)(a) and 171(2)(a)

Omit “the Judicial Registrar” wherever occurring. Insert instead “Judicial Registrars”.

[19] Schedule 1A, heading

Omit “**Judicial Registrar**”. Insert instead “**Judicial Registrars**”.

[20] Schedule 1A, clause 4(1)

Omit “office of Judicial Registrar”. Insert instead “office of a Judicial Registrar”.

Schedule 2 Consequential amendment of other Acts

2.1 Civil Procedure Act 2005 No 28

Section 3 Definitions

Omit “the Judicial Registrar” from section 3(1), definition of *officer*.

Insert instead “a Judicial Registrar”.

2.2 Constitution Act 1902 No 32

Section 52 Definition and application

Insert “, Deputy Chief Judge” after “Chief Judge” in section 52(1), definition of *judicial office*, paragraph (d).

2.3 Statutory and Other Offices Remuneration Act 1975 (1976 No 4)

Schedule 1 Public Offices

Omit “Judge of the District Court, other than the Chief Judge”. Insert instead—

Deputy Chief Judge of the District Court

Judge of the District Court, other than the Chief Judge and Deputy Chief Judge

[Second reading speech made in—

Legislative Assembly on 4 June 2025

Legislative Council on 11 September 2025]