

[Act 2001 No 108]



New South Wales

# Courts Legislation Further Amendment Bill 2001

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

## Overview of Bill

The objects of this Bill are as follows:

- (a) to amend the *District Court Act 1973*:
    - (i) to permit the District Court to refer proceedings to mediation or neutral evaluation without the consent of the parties, and
    - (ii) to remove provisions in that Act that prevent the District Court referring complex and lengthy court actions to arbitration,
  - (b) to amend the *Evidence on Commission Act 1995* to allow the District Court to take evidence on commission outside New South Wales (whether interstate or overseas),
  - (c) to amend the *Judicial Officers Act 1986* to provide that a Magistrate is to retire on reaching the age of 72 years (rather than 65 years),
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- (d) to amend the *Local Courts (Civil Claims) Act 1970* to remove provisions in that Act that prevent a Local Court from referring complex and lengthy court actions to arbitration,
- (e) to amend the *Supreme Court Act 1970*:
  - (i) to allow a person who is or has been a Judge of the High Court or Federal Court of Australia or of the Supreme Court of another State or Territory to be appointed as the Chief Justice or a Judge of the Supreme Court, and
  - (ii) to clarify that a person is qualified to be appointed as Chief Justice of the Supreme Court if the person has been a Judge of the Supreme Court or a judicial member of the Industrial Relations Commission, and as Judge of that Court if the person has been a judicial member of the Industrial Relations Commission.

## Outline of provisions

### **Schedule 1 Amendment of District Court Act 1973 No 9**

**Schedule 1 [1]–[3]** give effect to the objects outlined in paragraph (a) of the Overview above.

**Schedule 1 [4]** inserts a savings and transitional provision into Schedule 3 to the *District Court Act 1973*.

### **Schedule 2 Amendment of Evidence on Commission Act 1995 No 26**

**Schedule 2** gives effect to the object outlined in paragraph (b) of the Overview above.

### **Schedule 3 Amendment of Judicial Officers Act 1986 No 100**

**Schedule 3** gives effect to the object outlined in paragraph (c) of the Overview above.

## **Schedule 4   Amendment of Local Courts (Civil Claims) Act 1970 No 11**

**Schedule 4 [1]** gives effect to the object outlined in paragraph (d) of the Overview above.

**Schedule 4 [2]** inserts a savings and transitional provision into Schedule 3 to the *Local Courts (Civil Claims) Act 1970*.

## **Schedule 5   Amendment of Supreme Court Act 1970 No 52**

**Schedule 5** gives effect to the objects outlined in paragraph (e) of the Overview above.