



New South Wales

Local Court Bill 2007

Explanatory note

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

The *Miscellaneous Acts (Local Court) Amendment Bill 2007* is cognate with this Bill.

Overview of Bill

The object of this Bill is to replace the separate Local Courts within New South Wales with a single Local Court (sittings of which will be held at various locations within New South Wales). The Bill repeals the *Local Courts Act 1982* and enacts new provisions relating to the Local Court of New South Wales (*the Court*).

The Bill:

- (a) contains provisions for the appointment of Magistrates and other officers of the Court (existing Magistrates and other officers will continue to hold office),
- (b) requires at least 5 years' experience as an Australian lawyer for appointment as a Magistrate,
- (c) brings the provisions for appointment of acting Magistrates into line with those applicable to acting Judges of the District Court,
- (d) continues the existing Local Court jurisdiction (the Court, like the current Local Courts, will have a civil and criminal jurisdiction and a special jurisdiction relating to application proceedings).

Outline of provisions

Part 1 Preliminary

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 defines certain words and expressions used in the proposed Act.

Clause 4 enables the Governor to make regulations in relation to the proposed Act.

Clause 5 repeals the *Local Courts Act 1982* and gives effect to proposed Schedule 4 (Savings, transitional and other provisions).

Clause 6 requires the proposed Act to be reviewed 5 years after it is assented to and a report on the outcome of the review to be tabled in Parliament.

Part 2 The Local Court of New South Wales

Division 1 Constitution and jurisdiction

Clause 7 establishes the Local Court of New South Wales (*the Court*) and provides that it is to be a court of record.

Clause 8 provides that the Court is to be constituted by a Magistrate sitting alone unless otherwise provided by or under the proposed Act or any other Act or law.

Clause 9 provides that the Court has a civil jurisdiction, a special jurisdiction and a criminal jurisdiction.

Clause 10 divides the Court into the General Division and the Small Claims Division for the purposes of the exercise of its civil jurisdiction.

Clause 11 provides that the Court has State-wide jurisdiction.

Division 2 Magistrates

See also proposed Schedule 1 for provisions relating to Magistrates.

Clause 12 provides that the Court is to be composed of a Chief Magistrate and such other Magistrates as may be appointed from time to time.

Clause 13 allows the Governor to appoint any person who is an Australian lawyer of at least 5 years' standing (or a current or former judicial officer) to be a Magistrate and provides that a Magistrate is taken to be a justice of the peace.

Clause 14 provides that the Governor may appoint a Magistrate to be Chief Magistrate.

Clause 15 provides that the Governor may appoint a Magistrate to be a Deputy Chief Magistrate.

Clause 16 provides that the Governor may appoint a person eligible to be appointed as a Magistrate to act as a Magistrate for a term not exceeding 12 months. A former judicial officer may be appointed until the age of 75 years.

Division 3 Assessors

See also proposed Schedule 2 for provisions relating to Assessors.

Clause 17 allows the Minister to appoint any person who is an Australian lawyer to be an Assessor.

Division 4 Registrars and other officers

Clause 18 provides for the employment of registrars and deputy registrars under Chapter 1A of the *Public Sector Employment and Management Act 2002* and allows the appointment of a registrar as the registrar for a designated place.

Clause 19 provides that a registrar has the functions conferred by or under the proposed Act, the rules or any other Act or law and that those functions may be exercised in respect of any place in the State (regardless of whether a registrar is the registrar for a designated place).

Clause 20 allows a registrar, assistant registrar or other officer of the District Court to, subject to the rules, exercise the functions of a person holding a corresponding position in the Local Court.

Clause 21 provides that a reference in any other Act or instrument to the relevant registrar of the Local Court is a reference to the registrar for a particular place or the registrar authorised to exercise a particular function or the registrar for the place at which the proceedings are being, or have been, heard (depending on the context in which the phrase is used).

Division 5 Exercise of jurisdiction

Clause 22 allows for sittings of the Court to be held at such places and times as are directed by the Chief Magistrate.

Clause 23 makes provision for the Chief Magistrate to make arrangements for the business of the Court by giving directions concerning the exercise of jurisdiction and functions, sittings and the establishment of circuits. However, before making a direction that would substantially alter the frequency of sittings at a particular place relative to the previous calendar year the Chief Magistrate must consult with the Attorney General.

Clause 24 gives the Court the same powers as the District Court in dealing with a person who appears to be, or is accused of being, guilty of contempt of court and also allows the Court to refer such a matter to the Supreme Court for determination.

Division 6 Rules of court and practice notes

Clause 25 establishes the Local Court Rule Committee and specifies the members who are to comprise the Committee.

Clause 26 gives the Rule Committee the power to make rules in relation to the practice and procedure of the Court.

Clause 27 allows the Chief Magistrate to issue practice notes in relation to any matter with respect to which rules may be made (subject to the rules).

Clause 28 provides that the Court may give directions, in relation to particular proceedings, with respect to any aspect of practice or procedure not otherwise provided for by the proposed Act or any other Act.

Part 3 Civil jurisdiction

Division 1 Preliminary

Clause 29 defines certain expressions used in the proposed Part.

Division 2 Jurisdiction

Clause 30 confers jurisdiction on the Court sitting in its General Division to hear and determine proceedings on any money claim or proceedings to recover detained goods so long as the amount claimed does not exceed \$60,000. The proposed section also confers jurisdiction on the Court sitting in its Small Claims Division to hear and determine such proceedings so long as the amount claimed does not exceed \$10,000.

Clause 31 allows the Court, when sitting in its General Division, to exceed the jurisdictional limit of \$60,000 by up to 20 per cent in specified circumstances.

Clause 32 allows the Court, upon application in proceedings concerning a contract, to exercise the same jurisdiction as the Supreme Court to refuse to enforce any or all of the provisions of the contract under section 7 (1) (a) of the *Contracts Review Act 1980*.

Clause 33 specifies certain proceedings that are excluded from the jurisdiction of the Court.

Clause 34 makes provision with respect to the jurisdiction of the Court to hear and determine proceedings with respect to a cause of action that arose outside of the State and with respect to a defendant that is not within the State.

Division 3 Proceedings in Small Claims Division

Clause 35 provides that the jurisdiction of the Court sitting in its Small Claims Division may be exercised by a Magistrate or an Assessor. The proposed section also provides that proceedings are not required to be recorded and are to be conducted with as little formality and technicality as possible, without application of the rules of evidence and generally without the cross-examination of witnesses.

Clause 36 requires a Magistrate or an Assessor to attempt to bring the parties to proceedings in the Small Claims Division to a settlement before giving final judgment or making a final order in those proceedings.

Clause 37 provides that the Court sitting in its Small Claims Division has no power to award costs (except as provided by the rules).

Division 4 Appeals from the Local Court

Clause 38 provides that all judgments and orders of the Court in its exercise of civil jurisdiction are final and conclusive.

Clause 39 deals with appeals as of right. A party to proceedings before the Court sitting in its General Division who is dissatisfied with a judgment or order of the Court in point of law may appeal to the Supreme Court. A party to proceedings before the Court sitting in its Small Claims Division who is dissatisfied with a judgment or order of the Court on the ground of lack of jurisdiction or denial of natural justice may appeal to the Supreme Court.

Clause 40 deals with appeals requiring leave. A party to proceedings before the Court sitting in its General Division who is dissatisfied with a judgment or order of the Court on a ground that involves a question of mixed law and fact, or an interlocutory judgment or order, or a judgment or order made by consent, or a costs order, may appeal to the Supreme Court but only by leave of the Supreme Court.

Clause 41 sets out how the Supreme Court may deal with appeals under the proposed Division.

Division 5 Rules

Clause 42 allows rules to be made for or with respect to specified matters relating to the civil jurisdiction of the Court (provided they are not inconsistent with the uniform rules under the *Civil Procedure Act 2005* and do not relate to any costs matter that is regulated by Division 11 of Part 3.2 of the *Legal Profession Act 2004*).

Part 4 Special jurisdiction

Division 1 Preliminary

Clause 43 defines certain expressions used in the proposed Part.

Clause 44 provides that the proposed Part applies to any proceedings with respect to matters for which jurisdiction is conferred on the Court by or under any other Act or law, other than criminal proceedings or proceedings with respect to any matter for which jurisdiction is conferred on the Court by proposed Part 3 (Civil jurisdiction), defined as *application proceedings* in proposed section 43 (and also known as application proceedings in the *Local Courts Act 1982*).

Division 2 Commencement of proceedings

Clause 45 provides that application proceedings commence upon issuing and filing an application notice.

Clause 46 allows a police officer or public officer to commence application proceedings, if authorised to do so, by issuing an application notice and filing the notice in accordance with the proposed Division.

Clause 47 allows a person to commence application proceedings by issuing an application notice, signed by a registrar, and filing the notice in accordance with the proposed Division.

Clause 48 provides that an application notice may not relate to more than one matter.

Clause 49 deals with service of an application notice.

Clause 50 provides that application proceedings are taken to have commenced on the date on which an application notice is filed and allows for the filing of an application notice in the absence of service in certain circumstances.

Clause 51 requires application proceedings to be brought within 6 years from the date that the matter to which the application relates is alleged to have arisen.

Clause 52 allows application proceedings to be commenced, in the event that another Act or statutory rule provides for application proceedings to be commenced otherwise than by application notice, in accordance with that Act or statutory rule or in accordance with proposed Part 4.

Division 3 Hearing of proceedings

Clause 53 requires the Court, on the first return date in application proceedings or at a later time determined by the Court, to set a date, time and place for hearing and determining the proceedings. If the respondent is not present at the first return date, the Court may advise the respondent of the date, time and place for hearing or it may proceed to hear and determine the matter.

Clause 54 provides for application proceedings to be heard in open court.

Clause 55 allows the Court to change the venue of application proceedings if appropriate.

Clause 56 confirms the respondent's right to defend application proceedings and any ancillary proceedings.

Clause 57 provides that a party may appear personally or by an Australian legal practitioner or other representative empowered by an Act or other law to appear for the applicant or respondent. A police officer who is an applicant may also appear by a police prosecutor.

Clause 58 specifies who may conduct the case.

Clause 59 confirms that evidence is to be on oath.

Clause 60 requires application proceedings to be recorded.

Clause 61 gives the Court the power to adjourn application proceedings to a specified time and place.

Clause 62 allows the Court to make directions with respect to procedural irregularities.

Clause 63 allows the Court to dispense with any requirement of the rules if it is in the interests of justice to do so.

Clause 64 permits the Court to stay application proceedings (including the enforcement of an order) permanently or to a specified day.

Clause 65 gives the Magistrate the power to issue a warrant for the arrest of a respondent during proceedings if he or she fails to appear.

Clause 66 applies Part 3 of Chapter 4 of the *Criminal Procedure Act 1986* to application proceedings (that Part deals with the attendance of witnesses and production of evidence).

Clause 67 applies Part 4 of Chapter 4 of the *Criminal Procedure Act 1986* to warrants of arrest and warrants of commitment issued in application proceedings.

Clause 68 provides that an order for the payment of money by a party to application proceedings may be enforced in a court of competent jurisdiction.

Clause 69 enables the Court to award costs in application proceedings at its discretion.

Clause 70 sets out the appeal procedures in relation to any order arising from an application notice.

Division 4 Rules and forms

Clause 71 specifies matters relating to application proceedings with respect to which rules may be made.

Clause 72 enables the Chief Magistrate to approve forms to be used in connection with application proceedings.

Schedule 1 Provisions relating to Magistrates

Schedule 1 sets out matters relating to the appointment of Magistrates including part-time arrangements, vacation of office, remuneration, superannuation, accrued leave and conditions of service.

Schedule 2 Provisions relating to Assessors

Schedule 2 sets out matters relating to the employment of Assessors, including term of office, remuneration, leave, vacation of office and removal from office.

Schedule 3 Provisions relating to Rule Committee

Schedule 3 sets out the matters relating to membership of the Rule Committee (including term of office, vacancy of office and deputies) and meetings of the Rule Committee (including procedures, chairperson and quorum).

Local Court Bill 2007

Explanatory note

Schedule 4 Savings, transitional and other provisions

Schedule 4 contains savings, transitional and other provisions consequent on the enactment of the proposed Act.



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Local Court Bill 2007

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New South Wales

Local Court Bill 2007

No. , 2007

A Bill for

An Act to establish the Local Court of New South Wales; to provide for the appointment of Magistrates and other officers of the Court; to confer certain jurisdiction on the Court; to abolish the Local Courts within New South Wales; to repeal the *Local Courts Act 1982*; and for other purposes.

See also the *Miscellaneous Acts (Local Court) Amendment Bill 2007*.

The Legislature of New South Wales enacts: 1

Part 1 Preliminary 2

1 Name of Act 3

This Act is the *Local Court Act 2007*. 4

2 Commencement 5

This Act commences on a day or days to be appointed by proclamation. 6

3 Definitions 7

(1) In this Act: 8

acting Magistrate means a person appointed under section 16 to be an acting Magistrate of the Local Court. 9
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Assessor means a person appointed under section 17 (1) to be an Assessor of the Local Court. 11
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Chief Magistrate means the person appointed under section 14 (1) to be the Chief Magistrate of the Local Court. 13
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civil jurisdiction, in relation to the Local Court, means the jurisdiction referred to in section 9 (a). 15
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Court means the Local Court constituted by section 7 (1). 17

criminal jurisdiction, in relation to the Local Court, means the jurisdiction referred to in section 9 (c). 18
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criminal proceedings means proceedings against a person for an offence (whether summary or indictable), and includes the following: 20
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(a) committal proceedings, 22

(b) proceedings relating to bail, 23

(c) proceedings relating to sentence, 24

(d) proceedings for the review of a conviction or sentence under the *Crimes (Appeal and Review) Act 2001*, 25
26

but does not include the following: 27

(e) proceedings on an application for an order under the *Crimes (Forensic Procedures) Act 2000*, 28
29

(f) proceedings on an application for an order, or an application to vary or revoke any such order, under the *Child Protection (Offenders Prohibition Orders) Act 2004*, 30
31
32

(g) proceedings on an application for an order under Part 16A of the *Law Enforcement (Powers and Responsibilities) Act 2002*. 33
34

Deputy Chief Magistrate means a person appointed under section 15 (1) to be a Deputy Chief Magistrate of the Local Court. 1
2

designated place means a place at which sittings of the Local Court are to be held in accordance with section 22 (1). 3
4

exercise a function includes perform a duty. 5

function includes power, authority and duty. 6

Magistrate means a person appointed or taken to be appointed under this Act to be a Magistrate of the Local Court. 7
8

part-time Magistrate means a person: 9

(a) who is appointed to hold the office of Magistrate on a part-time basis, or 10
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(b) who exercises the functions of the office of Magistrate on a part-time basis, as provided by an agreement referred to in clause 1 (2) of Schedule 1, or 12
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(c) who, in accordance with section 8 of the *Liquor Act 1982*, becomes a Magistrate on becoming a licensing magistrate and who holds office as a licensing magistrate, or exercises the functions of a licensing magistrate, on a part-time basis. 15
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practice note means a practice note issued under section 27. 19

Rule Committee means the Local Court Rule Committee established under section 25. 20
21

rules means the rules made under section 26. 22

special jurisdiction, in relation to the Local Court, means the jurisdiction referred to in section 9 (b). 23
24

(2) Notes included in this Act do not form part of this Act. 25

Note. In the notes to this Act, **LCA 1982** means the *Local Courts Act 1982*, **CPA** means the *Civil Procedure Act 2005* and **DCA** means the *District Court Act 1973*. 26
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4 Regulations (cf LCA 1982, section 28) 29

The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act. 30
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32
33

5 Repeal and savings and transitional provisions 34

(1) The *Local Courts Act 1982* is repealed. 35

(2) Schedule 4 has effect. 36

Clause 6 Local Court Bill 2007

Part 1 Preliminary

6 Review of Act

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| | 1 |
| (1) The Minister is to review this Act to determine whether the policy objectives of the Act remain valid and whether the terms of the Act remain appropriate for securing those objectives. | 2
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| (2) The review is to be undertaken as soon as possible after the period of 5 years from the date of assent to this Act. | 5
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| (3) A report on the outcome of the review is to be tabled in each House of Parliament within 12 months after the end of the period of 5 years. | 7
8 |

Part 2	The Local Court of New South Wales	1
Division 1	Constitution and jurisdiction	2
7	Constitution of the Court (cf LCA, sections 6, 8A and 8B)	3
(1)	There is constituted by this Act a court of record to be known as the Local Court of New South Wales.	4 5
(2)	There is to be a seal of the Court and any document that is required by or under this Act or any other Act or law to be sealed or stamped with the seal of the Court is to be so sealed or stamped.	6 7 8
8	Single Magistrate to constitute the Court (cf LCA 1982, section 8)	9
	Except as may be otherwise provided by or under this Act or any other Act or law, all proceedings in the Court, including all business arising out of any such proceedings, are to be heard and determined by a Magistrate, who is to constitute the Court.	10 11 12 13
9	Jurisdiction (cf LCA 1982, section 7)	14
	The Court has:	15
(a)	a civil jurisdiction consisting of the jurisdiction conferred on it by Part 3, and	16 17
(b)	a special jurisdiction consisting of the jurisdiction conferred on it by or under any other Act or law with respect to proceedings to which Part 4 applies, and	18 19 20
(c)	a criminal jurisdiction consisting of the jurisdiction conferred on it by or under any other Act or law with respect to criminal proceedings.	21 22 23
10	Divisions of the Court (cf LCA 1982, section 7A)	24
	For the purpose of exercising its civil jurisdiction, the Court is divided into:	25 26
(a)	the General Division, and	27
(b)	the Small Claims Division.	28
11	State-wide jurisdiction (cf LCA 1982, section 17)	29
	The Court, wherever sitting, has jurisdiction throughout the whole of New South Wales.	30 31

Division 2	Magistrates	1
12	Composition of the Court	2
	The Court is to be composed of a Chief Magistrate appointed by the Governor and such other Magistrates as the Governor may from time to time appoint.	3 4 5
13	Appointment and qualifications of Magistrates (cf LCA 1982, section 12)	6
(1)	The Governor may, by commission under the public seal of the State, appoint any qualified person to be a Magistrate.	7 8
(2)	For the purposes of this section, a person is qualified for appointment as a Magistrate if the person is:	9 10
(a)	an Australian lawyer of at least 5 years' standing, or	11
(b)	a person who holds, or has held, a judicial office of this State or of the Commonwealth, another State or Territory.	12 13
(3)	A Magistrate, while holding office as such, is taken to have been appointed as a justice of the peace.	14 15
(4)	Part 1 of Schedule 1 has effect with respect to Magistrates.	16
14	The Chief Magistrate (cf LCA 1982, section 14)	17
(1)	The Governor may, by the commission of a person's appointment as a Magistrate or by a subsequent commission under the public seal of the State, appoint a Magistrate to be Chief Magistrate of the Local Court.	18 19 20
(2)	Part 2 of Schedule 1 has effect with respect to the Chief Magistrate.	21
15	Deputy Chief Magistrates (cf LCA 1982, section 15)	22
(1)	The Governor may, by the commission of a person's appointment as a Magistrate or by a subsequent commission under the public seal of the State, appoint a Magistrate to be a Deputy Chief Magistrate of the Local Court.	23 24 25 26
(2)	More than one person may hold the office of Deputy Chief Magistrate at any one time.	27 28
(3)	Part 3 of Schedule 1 has effect with respect to Deputy Chief Magistrates.	29 30
16	Acting Magistrates	31
(1)	The Governor may, by commission under the public seal of the State, appoint any person who is qualified for appointment as a Magistrate under section 13 to act as a Magistrate for a term not exceeding 12 months to be specified in the commission.	32 33 34 35

(2)	A person who holds, or has held, a judicial office of this State, or of the Commonwealth, another State or Territory, may be appointed under this section even if he or she has reached the age of 72 years (or will have reached that age before the appointment expires) but may not be so appointed for any period extending beyond the day on which he or she reaches the age of 75 years.	1 2 3 4 5 6
(3)	Part 4 of Schedule 1 has effect with respect to acting Magistrates.	7
Division 3 Assessors		8
17 Assessors	(cf LCA 1982, section 76)	9
(1)	The Minister may appoint any person who is an Australian lawyer to be an Assessor.	10 11
(2)	Schedule 2 has effect with respect to Assessors.	12
Division 4 Registrars and other officers		13
18 Registrars and deputy registrars	(cf LCA 1982, sections 10 and 10A)	14
(1)	Such registrars and deputy registrars as may be necessary to assist in the administration of this Act are to be employed under Chapter 1A of the <i>Public Sector Employment and Management Act 2002</i> .	15 16 17
(2)	A registrar may (but need not) be appointed as the registrar for a designated place.	18 19
19 Registrar's functions generally	(cf LCA 1982, section 10B)	20
(1)	A registrar has and may exercise the functions conferred on a registrar by or under this Act, the rules or any other Act or law.	21 22
(2)	A registrar, including a registrar for a designated place, may exercise such functions in respect of any place in the State.	23 24
20 Exercise of functions by registrars, assistant registrars and other officers of the District Court		25 26
(1)	A registrar of the District Court may, subject to the rules, exercise the functions of a registrar of the Local Court and, when exercising those functions, is taken to be a registrar of the Local Court.	27 28 29
(2)	An assistant registrar of the District Court may, subject to the rules, exercise the functions of a deputy registrar of the Local Court and, when exercising those functions, is taken to be a deputy registrar of the Local Court.	30 31 32 33

- (3) An officer of the District Court may, subject to the rules, exercise the functions of an officer of the Local Court and, when exercising those functions, is taken to be an officer of the Local Court. 1
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21 References to registrars 4

In any other Act or instrument, a reference to the *relevant registrar* of the Local Court is a reference to: 5
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- (a) when used in connection with a particular place, the registrar for that place, or 7
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- (b) when used in connection with a particular function, the registrar authorised to exercise that function, or 9
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- (c) when used in connection with a particular place and a particular function, the registrar authorised to exercise that function at or in relation to that place, or 11
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13
- (d) when used in relation to particular proceedings, the registrar for the place at which the proceedings are being, or are to be, heard or (if they have been determined) the place at which the proceedings were determined. 14
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17

Division 5 Exercise of jurisdiction 18

22 Sittings of the Court (cf LCA 1982, section 11) 19

- (1) Sittings of the Court are to be held at such places and times as the Chief Magistrate may from time to time direct by notice published in the Gazette. 20
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22
- (2) More than one sitting of the Court may be held at the same time. 23

23 Arrangement of business of the Court (cf LCA 1982, sections 11 and 14) 24

- (1) The Chief Magistrate is responsible for ensuring the orderly and expeditious discharge of the business of the Court and for that purpose may, subject to this Act, give directions as to: 25
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- (a) the Magistrates or Assessors who are to exercise the Court's jurisdiction in specified matters or matters of a specified class, and 28
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- (b) the Magistrates or Assessors who are to sit at designated places or exercise certain functions at designated places, and 31
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- (c) the matters or classes of matters that may be dealt with at designated places, and 33
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- (d) the specified functions that are to be exercised by specified Magistrates or Magistrates of a specified class. 35
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|-----------|--|----------------------------|
| (2) | The Chief Magistrate must consult with the Attorney General before making a direction under subsection (1) that substantially alters the frequency of sittings at a particular place relative to the previous calendar year. | 1
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| (3) | The Chief Magistrate may have such consultation with other Magistrates as is appropriate and practicable before making any direction under subsection (1). | 5
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| (4) | A direction given under subsection (1) may provide for: | 8 |
| | (a) the establishment of circuits comprised of places at which sittings of the Court are required to be held, or | 9
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| | (b) the exercise by Magistrates of their functions, at specified times or during specified periods, at different places. | 11
12 |
| 24 | Contempt of court (cf LCA 1982, sections 27A and 27B) | 13 |
| (1) | The Court has, if it is alleged, or appears to the Court on its own view, that a person is guilty of contempt of court committed in the face of the Court or in the hearing of the Court, the same powers as the District Court has in those circumstances. | 14
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17 |
| (2) | Without limiting subsection (1), the Court may vacate or revoke an order with respect to contempt of court. | 18
19 |
| (3) | For the purposes of this section: | 20 |
| | (a) sections 199, 200 and 202 of the <i>District Court Act 1973</i> apply to the Local Court and a Magistrate in the same way as they apply to the District Court and a Judge of the District Court, and | 21
22
23 |
| | (b) a reference in section 200 of that Act to a proclaimed place is taken to be a reference to a designated place, and | 24
25 |
| | (c) section 201 of that Act applies to a ruling, order, direction or decision of the Local Court under those provisions as so applied. | 26
27 |
| (4) | Without prejudice to the powers of the Court under this section, if it is alleged, or appears to the Court on its own view, that a person is guilty of contempt of the Court, whether committed in the face or hearing of the Court or not, the Court may refer the matter to the Supreme Court for determination. | 28
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| (5) | The Supreme Court is to dispose of any matter referred to it under this section in the manner it considers appropriate. | 33
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Division 6	Rules of court and practice notes	1
25	Local Court Rule Committee (cf LCA 1982, sections 30 and 31)	2
(1)	There is to be a Local Court Rule Committee.	3
(2)	The Rule Committee is to consist of the following members:	4
(a)	the Chief Magistrate,	5
(b)	at least one and not more than 6 Magistrates (in addition to the Chief Magistrate) appointed by the Chief Magistrate,	6 7
(c)	a barrister appointed by the Bar Council,	8
(d)	a solicitor appointed by the Law Society Council,	9
(e)	a registrar of the Court appointed by the Chief Magistrate,	10
(f)	a person appointed by the Director-General of the Attorney General's Department,	11 12
(g)	a person appointed by the Minister,	13
(h)	the additional member or members appointed in accordance with subsection (3) or (4), as the case requires.	14 15
(3)	The Rule Committee, when exercising its functions in respect of matters relating to the jurisdiction referred to in section 9 (a) and (b), is to have an additional member, being a person appointed by the Chief Magistrate to represent consumer groups.	16 17 18 19
(4)	The Rule Committee, when exercising its functions in respect of matters relating to the jurisdiction referred to in section 9 (c), is to have two additional members, being a person appointed by the Chief Magistrate on the nomination of the Director of Public Prosecutions and a person appointed by the Chief Magistrate on the nomination of the Legal Aid Commission.	20 21 22 23 24 25
(5)	Schedule 3 has effect in respect of the Rule Committee.	26
26	Rules generally (cf LCA 1982, section 28A)	27
(1)	The Rule Committee may make rules, not inconsistent with this Act, for or with respect to any matter that is required or permitted to be prescribed by rules, or that is necessary or convenient to be prescribed by rules, in relation to the practice or procedure of the Local Court.	28 29 30 31
(2)	In particular, the rules may make provision for or with respect to the following matters:	32 33
(a)	the practice or procedure to be followed in criminal proceedings,	34
(b)	the functions of registrars and other officers of the Court,	35
(c)	the review of orders or decisions of registrars,	36

(d) any matter incidental to, or relating to, any such practice or procedure.	1 2
(3) A rule may be made under this Act in relation to any matter for which a rule-making power is conferred on the Court by or under any other Act or law.	3 4 5
Note. See also sections 42 (Rules in civil jurisdiction) and 71 (Rules in application proceedings).	6 7
27 Practice notes (cf CPA, section 15; LCA 1982, section 28B)	8
(1) Subject to the rules, the Chief Magistrate may issue practice notes in relation to any matter with respect to which rules may be made.	9 10
(2) Part 6 of the <i>Interpretation Act 1987</i> applies to a practice note issued under this section in the same way as it applies to a rule of court.	11 12
28 Court may give directions in circumstances not covered by rules (cf CPA, section 16; LCA 1982, section 26)	13 14
(1) In relation to particular proceedings, the Court may give directions with respect to any aspect of practice or procedure not provided for by or under this Act, the <i>Criminal Procedure Act 1986</i> , the <i>Civil Procedure Act 2005</i> or any other Act.	15 16 17 18
(2) Anything done in accordance with such a direction (including the commencing of proceedings and the taking of any step in proceedings) is taken to have been validly done.	19 20 21

Part 3	Civil jurisdiction	1
Division 1	Preliminary	2
29	Definitions (cf LCA 1982, section 4)	3
	In this Part:	4
	<i>jurisdictional limit</i> of the Court means:	5
	(a) \$60,000, in relation to the Court sitting in its General Division,	6
	and	7
	(b) \$10,000, in relation to the Court sitting in its Small Claims	8
	Division.	9
	<i>money claim</i> means a claim for recovery of any debt, demand or	10
	damage (whether liquidated or unliquidated).	11
Division 2	Jurisdiction	12
30	Conferral of jurisdiction (cf LCA 1982, section 65)	13
(1)	Subject to this Part, the Court sitting in its General Division has	14
	jurisdiction to hear and determine:	15
	(a) proceedings on any money claim, so long as the amount claimed,	16
	whether on a balance of account or after an admitted set-off or	17
	otherwise, does not exceed the jurisdictional limit of the Court	18
	when sitting in that Division, and	19
	(b) proceedings to recover detained goods, or to recover the assessed	20
	value of detained goods, so long as the value of the goods,	21
	together with the amount of any consequential damages claimed	22
	for their detention, does not exceed the jurisdictional limit of the	23
	Court when sitting in that Division, and	24
	(c) proceedings that, pursuant to any other Act, are required to be	25
	dealt with by the Court sitting in that Division.	26
(2)	Subject to this Part, the Court sitting in its Small Claims Division has	27
	jurisdiction to hear and determine:	28
	(a) proceedings on any money claim, so long as the amount claimed,	29
	whether on a balance of account or after an admitted set-off or	30
	otherwise, does not exceed the jurisdictional limit of the Court	31
	when sitting in that Division, and	32
	(b) proceedings to recover detained goods, or to recover the assessed	33
	value of detained goods, so long as the value of the goods,	34
	together with the amount of any consequential damages claimed	35
	for their detention, does not exceed the jurisdictional limit of the	36
	Court when sitting in that Division.	37

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- (3) Nothing in subsection (2) prevents proceedings under that subsection from being heard and determined by the Court sitting in its General Division. 1
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- (4) In determining an amount for the purposes of subsection (1) or (2), any interest up to judgment under section 100 of the *Civil Procedure Act 2005* is to be disregarded. 4
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- (5) If: 7
- (a) the jurisdictional limit of a Division is increased, and 8
- (b) proceedings in which an amount of money is claimed are pending in the Court when that increase takes effect, 9
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- the Court may, on the application of a plaintiff, make an order altering the amount specified in the claim to an amount not exceeding the new jurisdictional limit. 11
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- (6) In this section, *admitted set-off*, in relation to proceedings, means set-off admitted by the plaintiff in the originating process in the proceedings. 14
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- 31 Jurisdictional limits may be exceeded for certain money claims** (cf LCA 1982, section 66) 17
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- (1) When sitting in its General Division, the Court has jurisdiction to hear and determine proceedings on a money claim for an amount not exceeding 20 per cent more than the jurisdictional limit of the Court when sitting in its General Division: 19
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22
- (a) if a memorandum of consent has been filed in relation to the proceedings, or 23
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- (b) if no objection to the Court's jurisdiction has been raised by any of the parties prior to one month before the trial of the proceedings commences. 25
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- (2) A memorandum of consent referred to in subsection (1) (a) does not have effect unless: 28
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- (a) it is signed by each party to the proceedings, or by the party's Australian legal practitioner, and 30
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- (b) it states that each of those parties consents to the proceedings being heard and determined by the Court and is aware that, unless the memorandum is filed, the Court will not have jurisdiction to hear or determine the proceedings. 32
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- (3) This section applies despite section 30 (1) (a). 36
- (4) Nothing in this section limits the operation of section 140 of the *Civil Procedure Act 2005*. 37
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32	Jurisdiction in proceedings for review of contracts (cf LCA 1982, section 68)	1 2
(1)	The Court has the same jurisdiction as the Supreme Court, and may exercise all the powers and authority of the Supreme Court, to refuse to enforce any or all of the provisions of a contract under section 7 (1) (a) of the <i>Contracts Review Act 1980</i> .	3 4 5 6
(2)	This section applies only if application for the exercise of the jurisdiction is made in proceedings concerning the contract that have previously been commenced in the Court but have not been determined.	7 8 9
33	Certain jurisdiction excluded (cf LCA 1982, section 67)	10
(1)	The Court does not have jurisdiction under this Part to hear or determine any of the following kinds of proceedings:	11 12
(a)	proceedings in which the validity or effect of any devise, bequest or limitation under any will or settlement, or under any document in the nature of a settlement, is disputed,	13 14 15
(b)	proceedings for passing-off, wrongful arrest, false imprisonment, malicious prosecution or defamation,	16 17
(c)	proceedings for infringement of letters patent or copyright,	18
(d)	proceedings for detention of goods:	19
(i)	where the goods are the subject of a hire-purchase agreement, or	20 21
(ii)	where the goods are detained by their owner or by some other person acting on the owner's behalf,	22 23
(e)	proceedings in which the title to land is in question (other than proceedings on a claim in respect of which the question of the title to land is merely incidental).	24 25 26
(2)	The judgment of the Court in proceedings on a claim in respect of which the question of the title to land is merely incidental, as referred to in subsection (1) (e), is not admissible as evidence of the title to the land in any other legal proceedings.	27 28 29 30
34	Jurisdiction when cause of action or defendant outside the State (cf LCA 1982, section 69)	31 32
(1)	The Court has jurisdiction to hear and determine proceedings with respect to a cause of action:	33 34
(a)	even if part of the cause of action arose outside New South Wales, so long as a material part of the cause of action arose within New South Wales, and	35 36 37

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- (b) even if the whole cause of action arose outside New South Wales, so long as the defendant was resident in New South Wales at the time of service of the document that commenced the proceedings, and
- (c) even if the defendant is not within New South Wales, so long as:
- (i) the whole or a material part of the cause of action arose within New South Wales, and
 - (ii) the defendant was within a State or a part of the Commonwealth (within the meaning of the *Service and Execution of Process Act 1992* of the Commonwealth) at the time of service of the document that commenced the proceedings.
- (2) Subsection (1) (c) applies whether or not the defendant has ever been resident or carried on business in New South Wales.
- (3) In this section, *defendant* includes, if there are 2 or more defendants, any one of those defendants.

Division 3 Proceedings in Small Claims Division

35 Procedure generally in Small Claims Division (cf LCA 1982, section 70)

- (1) The jurisdiction of the Court sitting in its Small Claims Division may be exercised by a Magistrate or an Assessor.
- (2) Proceedings in the Small Claims Division are to be conducted with as little formality and technicality as the proper consideration of the matter permits.
- (3) The rules of evidence do not apply to proceedings being heard or other proceedings in the Small Claims Division.
- (4) Witnesses may not be cross-examined except in circumstances in which, and to the extent to which, the cross-examination of witnesses is authorised by the rules or a practice note.
- (5) A Magistrate or an Assessor exercising the jurisdiction of the Court sitting in its Small Claims Division may inform himself or herself on any matter relating to proceedings being heard or other proceedings in the Small Claims Division in such manner as he or she thinks fit.
- (6) Proceedings in the Small Claims Division (other than any judgment given or order made in respect of the proceedings) are not required to be recorded.

36	Conciliation of parties (cf LCA 1982, section 71)	1
(1)	A Magistrate or an Assessor is not to give judgment or make a final order in respect of proceedings being heard in the Court's Small Claims Division unless the Magistrate or an Assessor has brought, or has used his or her best endeavours to bring, the parties to the proceedings to a settlement acceptable to the parties.	2 3 4 5 6
(2)	If such a settlement is reached, the Magistrate or an Assessor is to give judgment or make a final order that gives effect to the terms of the settlement.	7 8 9
37	Costs in Small Claims Division (cf LCA 1982, section 67)	10
	Except as provided by the rules, the Court sitting in its Small Claims Division has no power to award costs.	11 12
Division 4	Appeals from the Local Court	13
38	Judgments and orders final (cf LCA 1982, section 72)	14
	Subject to this Division, all judgments and orders of the Court exercising jurisdiction under this Part are final and conclusive.	15 16
39	Appeals as of right (cf LCA 1982, section 73)	17
(1)	A party to proceedings before the Court sitting in its General Division who is dissatisfied with a judgment or order of the Court may appeal to the Supreme Court, but only on a question of law.	18 19 20
(2)	A party to proceedings before the Court sitting in its Small Claims Division who is dissatisfied with a judgment or order of the Court may appeal to the Supreme Court, but only on the ground of lack of jurisdiction or denial of procedural fairness.	21 22 23 24
40	Appeals requiring leave (cf LCA 1982, section 74)	25
(1)	A party to proceedings before the Court sitting in its General Division who is dissatisfied with a judgment or order of the Court on a ground that involves a question of mixed law and fact may appeal to the Supreme Court but only by leave of the Supreme Court.	26 27 28 29
(2)	A party to proceedings before the Court sitting in its General Division who is dissatisfied with any of the following judgments or orders of the Court may appeal to the Supreme Court, but only by leave of the Supreme Court:	30 31 32 33
(a)	an interlocutory judgment or order,	34
(b)	a judgment or order made with the consent of the parties,	35
(c)	an order as to costs.	36

41	Determination of appeals (cf LCA 1982, section 75)	1
	The Supreme Court may determine an appeal made under this Division:	2
	(a) by varying the terms of the judgment or order, or	3
	(b) by setting aside the judgment or order, or	4
	(c) by setting aside the judgment or order and remitting the matter to the Local Court for determination in accordance with the Supreme Court's directions, or	5 6 7
	(d) by dismissing the appeal.	8
Division 5	Rules	9
42	Rules in civil jurisdiction (cf LCA 1982, section 79)	10
(1)	The rules may make provision for or with respect to the following matters relating to the civil jurisdiction of the Court:	11 12
	(a) the practice and procedure in the Court and in proceedings before a registrar,	13 14
	(b) the transfer of proceedings between the Small Claims Division and the General Division,	15 16
	(c) the referral of matters to Community Justice Centres for mediation under the <i>Community Justice Centres Act 1983</i> ,	17 18
	(d) the functions of registrars,	19
	(e) the filing and serving of notices under this Act,	20
	(f) the times for doing any matter or thing for the purposes of this Part,	21 22
	(g) the excusal of non-compliance with the rules,	23
	(h) costs in relation to proceedings in the Court's Small Claims Division,	24 25
	(i) the manner of doing any matter or thing for the purposes of this Part.	26 27
(2)	This section does not give power to make rules with respect to any matter relating to costs that is regulated by Division 11 of Part 3.2 of the <i>Legal Profession Act 2004</i> .	28 29 30
(3)	This section does not give power to make rules in terms inconsistent with those of the uniform rules under the <i>Civil Procedure Act 2005</i> unless the uniform rules expressly permit rules under this section to be made in those terms.	31 32 33 34

Clause 42 Local Court Bill 2007

Part 3 Civil jurisdiction

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- (4) The rules made under this section may authorise or require the use of an ECM system established under section 14B of the *Electronic Transactions Act 2000* in relation to any proceedings in the Court in respect of which the use of such a system is authorised by an order in force under section 14C of that Act. 1
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Part 4	Special jurisdiction	1
Division 1	Preliminary	2
43	Definitions (cf LCA 1982, section 4)	3
	In this Part:	4
	<i>applicant</i> means a person by whom application proceedings are commenced.	5 6
	<i>application proceedings</i> means proceedings to which this Part applies as referred to in section 44.	7 8
	<i>authorised officer</i> has the same meaning as in the <i>Criminal Procedure Act 1986</i> .	9 10
	<i>public officer</i> means any of the following persons, but only when acting in an official capacity:	11 12
	(a) an employee in the Public Service or the NSW Police Force,	13
	(b) an officer or employee of a statutory body representing the Crown,	14 15
	(c) an employee of a council within the meaning of the <i>Local Government Act 1993</i> ,	16 17
	(d) an officer or employee of a rural lands protection board within the meaning of the <i>Rural Lands Protection Act 1998</i> ,	18 19
	(e) the Director of Public Prosecutions, Deputy Director of Public Prosecutions or Solicitor for Public Prosecutions,	20 21
	(f) an officer or employee of a body declared by the regulations to be a public body for the purposes of this definition.	22 23
	<i>respondent</i> means a person against whom application proceedings are commenced.	24 25
44	Application of Part	26
	This Part applies to any proceedings with respect to matters for which jurisdiction is conferred on the Court by or under any other Act or law, other than:	27 28 29
	(a) criminal proceedings, or	30
	(b) proceedings with respect to any matter for which jurisdiction is conferred on the Court by Part 3.	31 32

Division 2	Commencement of proceedings	1
45	Commencement of proceedings by application notice (cf LCA 1982, section 37)	2 3
	Application proceedings are to be commenced in the Court by the issuing and filing of an application notice in accordance with this Division.	4 5 6
46	Commencement of proceedings by police officer or public officer (cf LCA 1982, section 38)	7 8
	If a police officer or public officer is authorised to commence application proceedings against a person, the officer may commence the proceedings by issuing an application notice and filing the notice in accordance with this Division.	9 10 11 12
47	Commencement of private actions (cf LCA 1982, section 39)	13
(1)	If a person other than a police officer or public officer is authorised to commence application proceedings against a person, the person may commence the proceedings by issuing an application notice, signed by a registrar, and filing the notice in accordance with this Division.	14 15 16 17
(2)	A registrar must not sign an application notice if:	18
(a)	the registrar is of the opinion that the notice does not disclose grounds for the proceedings, or	19 20
(b)	the registrar is of the opinion that the notice is not in the appropriate form, or	21 22
(c)	the registrar is of the opinion that a ground for refusal set out in the rules applies to the notice.	23 24
(3)	If a registrar refuses to sign an application notice proposed to be issued by any such person, the question of whether the application notice is to be signed and issued is to be determined by the Court on application by the person.	25 26 27 28
(4)	An application under subsection (3) is not required to be signed by a registrar.	29 30
48	Application notice to be for one matter only (cf LCA 1982, section 41)	31
	An application notice may not relate to more than one matter.	32
49	Service of application notice (cf LCA 1982, section 42)	33
(1)	An application notice issued by a police officer must be served by a police officer in accordance with the rules.	34 35

(2)	An application notice issued by a public officer must be served by a police officer or public officer or other person authorised by the rules in accordance with the rules.	1 2 3
(3)	An application notice issued by a person other than a police officer or a public officer must be served by a person authorised by the rules in accordance with the rules.	4 5 6
(4)	A copy of an application notice must be filed in the Court in accordance with the rules.	7 8
50	When proceedings commence (cf LCA 1982, section 43)	9
(1)	All proceedings are taken to have commenced on the date on which an application notice is filed.	10 11
(2)	An application notice may be filed even though it has not been served if:	12
(a)	the notice is not able to be served, despite reasonable attempts to do so, or	13 14
(b)	the registrar gives leave to do so after forming the opinion that it is not reasonable in the circumstances of the case to require prior service of the notice.	15 16 17
(3)	Nothing in this section affects any other Act or law under which proceedings are taken to have commenced on another date.	18 19
51	Time limit for commencement of proceedings (cf LCA 1982, section 44)	20
(1)	Application proceedings may not be commenced later than 6 years from the date when the matter is alleged to have arisen.	21 22
(2)	This section is subject to any other Act or law.	23
52	Relationship to other law or practice (cf LCA 1982, section 45)	24
	If an Act or a statutory rule provides for application proceedings to be commenced otherwise than by issuing an application notice, the proceedings may nevertheless be commenced in accordance with this Act.	25 26 27 28
Division 3	Hearing of proceedings	29
53	Time for hearing (cf LCA 1982, section 46)	30
(1)	On the first return date for an application notice in any proceedings, or at such later time as the Court determines, the Court must set the date, time and place for hearing and determining the matter.	31 32 33
(2)	The Court must notify the respondent of the date, time and place, if the respondent is not present.	34 35

(3)	However, if the respondent is not present at the first return date, the Court may proceed to hear and determine the matter on that day at its discretion.	1 2 3
	Note. The powers of the Court to adjourn proceedings are set out in section 61.	4
54	Proceedings to be open to public (cf LCA 1982, section 47)	5
(1)	Application proceedings before the Court are to be heard in open court.	6
(2)	This section is subject to the provisions of any other Act or law.	7
55	Change of venue (cf LCA 1982, section 48)	8
	The Court may make an order changing the venue of the proceedings if it thinks it appropriate in the circumstances.	9 10
56	Right to defend action (cf LCA 1982, section 49)	11
	A respondent in application proceedings may defend the action and any proceedings ancillary to the action.	12 13
57	Right of representation (cf LCA 1982, section 50)	14
(1)	An applicant or respondent may appear personally or by an Australian legal practitioner or other representative empowered by an Act or other law to appear for the applicant or respondent.	15 16 17
(2)	An applicant who is a police officer may appear personally or by a person permitted by subsection (1) or by a police prosecutor.	18 19
58	Conduct of case (cf LCA 1982, section 51)	20
(1)	The applicant's case may be conducted by the applicant or by the applicant's Australian legal practitioner or any other representative permitted to appear for the applicant (whether under this or any other Act).	21 22 23 24
(2)	The respondent's case may be conducted by the respondent or by the respondent's Australian legal practitioner or any other representative permitted to appear for the respondent (whether under this or any other Act).	25 26 27 28
59	Evidence to be on oath (cf LCA 1982, section 52)	29
	The usual oath must be administered to a witness before the witness is examined.	30 31
	Note. For the form of oaths and declarations see the <i>Oaths Act 1900</i> .	32
60	Recording of evidence (cf LCA 1982, section 53)	33
(1)	The evidence of each witness in application proceedings must be recorded.	34 35

(2)	Rules may be made for or with respect to the manner in which the evidence may be recorded and the authentication of evidence or of transcripts of evidence given in proceedings.	1 2 3
61	Adjournments (cf LCA 1982, section 54)	4
(1)	The Court may at any stage of proceedings adjourn the proceedings to a specified time and place.	5 6
(2)	An adjournment of proceedings may be in such terms as the Court thinks fit.	7 8
62	Irregularity (cf LCA 1982, section 55)	9
(1)	If, in or in connection with application proceedings or the commencement of application proceedings, there is a failure to comply with any requirement of this Act or the rules, the failure is to be treated as an irregularity and does not nullify the proceedings or any step taken in the proceedings, or any judgment, document or order in the proceedings.	10 11 12 13 14 15
(2)	Subsection (1) applies to a failure to comply with a requirement relating to time, place, manner, form or content or any other failure.	16 17
(3)	In the case of an irregularity, the Court may, on terms, set aside wholly or in part the proceedings or any step taken in the proceedings or any document, judgment or order in the proceedings or exercise its powers under the rules to allow judgments and to make orders dealing with the proceedings generally.	18 19 20 21 22
(4)	The Court must not take action under subsection (3) on the application of a party unless that application is made within a reasonable time and before the party has taken any fresh step after becoming aware of the irregularity.	23 24 25 26
63	Power to dispense with rules (cf LCA 1982, section 56)	27
(1)	In relation to particular application proceedings, the Court may, if of the opinion that it is in the interests of justice to do so, dispense with or vary a requirement of the rules.	28 29 30
(2)	For the purposes of subsection (1), the Court may make directions as to the conduct of application proceedings.	31 32
(3)	The power conferred by this section does not extend to any rule declared by the rules to be mandatory.	33 34
	Note. The Court may also give directions with respect to any aspect of practice or procedure not provided for by or under this Act or any other Act (see section 28).	35 36 37

64	Power to stay proceedings (cf LCA 1982, section 57)	1
(1)	Subject to the rules, the Court may at any time and from time to time, by order, stay any application proceedings before it, either permanently or until a specified day.	2 3 4
(2)	The power to stay proceedings includes power to order a stay of an enforcement of an order.	5 6
65	Arrest of respondent during proceedings (cf LCA 1982, section 58)	7
(1)	A Magistrate may, at any time when or after a matter is first before the Court and before it is finally disposed of by the Court, issue a warrant to arrest a respondent if the respondent fails to appear personally or to appear by an Australian legal practitioner or other representative and the Magistrate is satisfied that the respondent had notice of the date, time and place of the proceedings.	8 9 10 11 12 13
(2)	A Magistrate, registrar or authorised officer before whom a respondent is brought on arrest on a warrant issued under this section may, if bail is not dispensed with or granted, issue a warrant:	14 15 16
(a)	committing the respondent to a correctional centre or other place of security, and	17 18
(b)	ordering the respondent to be brought before the Court at the date, time and place specified in the order.	19 20
(3)	The Magistrate, registrar or authorised officer must give notice of the date, time and place set to the applicant.	21 22
66	Witnesses and production of evidence (cf LCA 1982, section 59)	23
	The provisions of Part 3 of Chapter 4 of the <i>Criminal Procedure Act 1986</i> apply, with any necessary modifications, to application proceedings in the same way as they apply to proceedings for summary offences under that Act.	24 25 26 27
67	Warrants of arrest and warrants of commitment (cf LCA 1982, section 60)	28
	The provisions of Part 4 of Chapter 4 of the <i>Criminal Procedure Act 1986</i> apply, with any necessary modifications, to warrants of arrest, or warrants of commitment, issued under this Act in the same way as they apply to warrants of arrest or warrants of commitment issued under that Act.	29 30 31 32 33
68	Enforcement of orders for payment of money (cf LCA 1982, section 61)	34
	An order for the payment of money by a party to application proceedings (including an order as to payment of costs) may be enforced in a court of competent jurisdiction as if it were a debt due to the person to whom the money is ordered to be paid.	35 36 37 38

69	Costs (cf LCA 1982, section 62)	1
(1)	The Court may award costs in application proceedings at its discretion and may determine by whom, to whom and to what extent costs are to be paid in or in relation to application proceedings.	2 3 4
(2)	The Court may order costs to be assessed on the basis set out in Division 11 of Part 3.2 of the <i>Legal Profession Act 2004</i> or on an indemnity basis.	5 6
(3)	This section is subject to this Act, the rules and any other Act.	7
70	Appeals (cf LCA 1982, section 64)	8
(1)	In relation to any order arising from an application notice:	9
(a)	an application for annulment may be made in accordance with Part 2 of the <i>Crimes (Appeal and Review) Act 2001</i> , and	10 11
(b)	an appeal to the District Court may be made in accordance with Part 3 of the <i>Crimes (Appeal and Review) Act 2001</i> , and	12 13
(c)	an appeal to the Supreme Court may be made in accordance with Part 5 of the <i>Crimes (Appeal and Review) Act 2001</i> ,	14 15
	in the same way as such an application or appeal may be made in relation to a sentence arising from a court attendance notice dealt with under Part 2 of Chapter 4 of the <i>Criminal Procedure Act 1986</i> .	16 17 18
(2)	An application or appeal may not be made under subsection (1) in relation to an order referred to in that subsection if the making of such an application or appeal is prohibited by the Act or law pursuant to which the order was made.	19 20 21 22
(3)	If any other Act:	23
(a)	provides for an appeal to the District Court against an order of the Court under that Act, or	24 25
(b)	provides for an appeal against such an order without identifying to which court such an appeal is to be made,	26 27
	such an appeal is to be made to the District Court in accordance with Part 3 of the <i>Crimes (Appeal and Review) Act 2001</i> in the same way as an appeal under that Part may be made in relation to a sentence arising from a court attendance notice dealt with under Part 2 of Chapter 4 of the <i>Criminal Procedure Act 1986</i> .	28 29 30 31 32
(4)	If any other Act provides for an appeal to the Supreme Court against an order of the Court under that Act, such an appeal is to be made to the Supreme Court in accordance with Part 5 of the <i>Crimes (Appeal and Review) Act 2001</i> in the same way as an appeal under that Part may be made in relation to a sentence arising from a court attendance notice dealt with under Part 2 of Chapter 4 of the <i>Criminal Procedure Act 1986</i> .	33 34 35 36 37 38 39

Clause 71 Local Court Bill 2007

Part 4 Special jurisdiction

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- (5) The *Crimes (Appeal and Review) Act 2001* applies to an application or appeal arising under this section with such modifications as are made by or in accordance with the regulations under that Act. 1
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- (6) In this section, a reference to an order includes a reference to any determination that the Court has jurisdiction to make, and any penalty that the Court has jurisdiction to impose. 4
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Division 4 Rules and forms 7

71 Rules in application proceedings (cf LCA 1982, section 63) 8

- (1) The rules may make provision for or with respect to the following matters relating to application proceedings: 9
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- (a) the practice and procedure in the Court and in proceedings before a registrar, 11
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 - (b) the filing and service (including substituted service) of notices under this Act, 13
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 - (c) additional requirements for the form of warrants, 15
 - (d) the functions of registrars, 16
 - (e) the hearing of proceedings, including the procedure to be followed and the orders to be made, when a party fails to attend, 17
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 - (f) empowering the Court to dispense with rules of evidence for proving any matter that is not genuinely in dispute in any proceedings and to dispense with rules of evidence that might cause expense or delay in proceedings if those rules were applied in specified circumstances, 19
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 - (g) prescribing matters relating to expert evidence, including the disclosure, by providing copies of reports or otherwise, of the nature of expert evidence to be given, and including the exclusion of expert evidence in the case of non-compliance with the rules relating to expert evidence or with any order for disclosure of the nature of expert evidence, 24
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 - (h) providing for any matter relating to the costs of proceedings. 30
- (2) Without limiting subsection (1), the rules may adopt, with or without modification, the provisions of any rules made under the *Civil Procedure Act 2005*. 31
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- (3) This section does not give power to make rules with respect to any matter relating to costs that is regulated by Part 3.2 of the *Legal Profession Act 2004*. 34
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72	Forms (cf CPA, section 17; LCA 1982, section 40)	1
(1)	The Chief Magistrate:	2
(a)	may approve forms for documents to be used in connection with application proceedings, and	3 4
(b)	in the case of documents filed with the Court, or issued by the Court, by means of an ECM system within the meaning of the <i>Electronic Transactions Act 2000</i> , may approve the format in which such documents are to be filed or issued.	5 6 7 8
(2)	Copies of the approved forms are to be made available for public inspection at each registry of the Court and on the Court's internet website.	9 10 11
(3)	If a form is approved in relation to a document to be used in connection with proceedings in the Court, a document that is filed with or issued by the Court is to be in that form.	12 13 14
(4)	An application notice must do the following:	15
(a)	describe the grounds for the proceedings and the remedy sought,	16
(b)	contain the name of the applicant,	17
(c)	require the respondent to appear before the Court or a Magistrate at a specified date, time and place.	18 19
(5)	The rules may prescribe additional matters to be included in application notices.	20 21

Schedule 1	Provisions relating to Magistrates	1
	(Sections 13 (4), 14 (2), 15 (3) and 16 (3))	2
Part 1	Magistrates	3
1	Part-time arrangements (cf LCA 1982, section 12A)	4
(1)	A person's appointment as a Magistrate is taken to be an appointment on a full-time basis unless the appointment is expressed, in the commission by which the person was appointed, to be on a part-time basis.	5 6 7 8
(2)	A Magistrate, although not appointed on a part-time basis, may, by agreement in writing entered into with the Chief Magistrate, exercise the functions of the office of Magistrate on a part-time basis.	9 10 11
2	Application of Public Sector Employment and Management Act 2002 (cf LCA 1982, section 12)	12 13
	The <i>Public Sector Employment and Management Act 2002</i> (including Chapter 5 of that Act) does not apply to or in respect of the appointment or employment of Magistrates.	14 15 16
3	Vacation of office (cf LCA 1982, section 20)	17
	Subject to this and any other Act, a Magistrate is taken to have vacated the office of Magistrate if:	18 19
(a)	the Magistrate dies, or	20
(b)	the Magistrate resigns that office by instrument in writing addressed to the Governor, or	21 22
(c)	the Magistrate retires from office pursuant to the requirements of the <i>Judicial Officers Act 1986</i> , or	23 24
(d)	the Magistrate retires from that office under a provision of any other Act under which the Magistrate may so retire, or	25 26
(e)	the Magistrate is removed from office pursuant to section 53 of the <i>Constitution Act 1902</i> .	27 28
4	Continuation of proceedings after vacation of office (cf DCA, section 13 (8) and (9))	29 30
(1)	A person who vacates office as a Magistrate otherwise than by having been removed from office may, despite vacating his or her office, continue to hear and determine and otherwise deal with any proceedings that have been heard, or partly heard, by the person before vacating his or her office.	31 32 33 34 35

(2)	While a person continues to deal with, under subclause (1), any proceedings that have been heard or partly heard by the person before vacating office, the person has all the entitlements and functions of a Magistrate and, for the purpose of those proceedings, is taken to continue to be a Magistrate.	1 2 3 4 5
5	Effect of employment as Magistrate (cf LCA 1982, section 23)	6
(1)	Except as provided by this clause, a Magistrate must not engage in any business or employment outside the duties of his or her office except with the approval of the Governor.	7 8 9
(2)	Subclause (1) does not allow the Governor to give approval for a Magistrate to practise as an Australian legal practitioner for fee, gain or reward.	10 11 12
(3)	Subclause (1) does not apply to a part-time Magistrate, but such a person must not:	13 14
(a)	accept or continue to hold or discharge the duties of or be employed in any paid office in connection with any commercial business, or	15 16 17
(b)	engage in or undertake any such business, whether as principal or agent, or	18 19
(c)	practise as an Australian legal practitioner for fee, gain or reward or engage in or continue in the private practice of any other profession, occupation or trade, or enter into any employment, whether remunerated or not, with any person so engaged.	20 21 22 23
6	Remuneration (cf LCA 1982, section 24)	24
	A Magistrate is entitled to be paid remuneration in accordance with the <i>Statutory and Other Offices Remuneration Act 1975</i> .	25 26
7	Superannuation and leave—preservation of rights	27
(1)	In this clause:	28
	<i>eligible member</i> means a Magistrate who, immediately before his or her appointment as a Magistrate, was a member of the Government Service or an officer or employee of a public authority declared by an Act or proclamation to be an authority to which this clause applies.	29 30 31 32
	<i>superannuation scheme</i> means a scheme, fund or arrangement under which any superannuation or retirement benefits are provided and which is established by or under an Act.	33 34 35

(2)	An eligible member:	1
(a)	may continue to contribute to any superannuation scheme to which he or she was a contributor immediately before becoming an eligible member, and	2 3 4
(b)	is entitled to receive any payment, pension or gratuity accrued or accruing under the scheme,	5 6
	as if he or she had continued to be such a contributor during service as a Magistrate.	7 8
(3)	Service by an eligible member as a Magistrate is taken to be service as an officer or employee in his or her previous employment for the purposes of any law under which the member continues to contribute to the scheme or by which an entitlement under the scheme is conferred.	9 10 11 12
(4)	An eligible member is to be regarded as an officer or employee, and the State is to be regarded as the employer, for the purposes of the scheme.	13 14
(5)	This clause ceases to apply to an eligible member if he or she becomes a contributor to another superannuation scheme, but the eligible member is not prevented from receiving a resignation benefit from the first superannuation scheme.	15 16 17 18
(6)	This clause is subject to clause 8.	19
8	Extended, annual and sick leave accrued or accruing at time of appointment (cf LCA 1982, section 25A)	20 21
(1)	A person who was employed in a public sector service (within the meaning of section 3 of the <i>Public Sector Employment and Management Act 2002</i>) before the person's appointment as a Magistrate does not retain, on his or her appointment, any entitlement to extended, annual or sick leave accrued or accruing to the person as such an employee.	22 23 24 25 26 27
(2)	Nothing in subclause (1) prevents the payment to a person to whom that subclause applies of the money value of any extended, annual or sick leave accrued or accruing to the person as an employee in a public sector service before the person's appointment as a Magistrate.	28 29 30 31
(3)	This clause applies only in relation to a person appointed as a Magistrate on or after 20 September 2002 (being the date of commencement of section 25A of the <i>Local Courts Act 1982</i>).	32 33 34
9	Conditions of service generally (cf LCA 1982, section 22)	35
(1)	The terms and conditions of service (including leave of absence) of Magistrates are to be as determined by the Minister after consultation with the Chief Magistrate.	36 37 38

(2)	This clause extends to the terms and conditions to be included in any agreement referred to in clause 1 (Part-time arrangements).	1 2
Part 2	The Chief Magistrate	3
10	The Chief Magistrate (cf LCA 1982, section 14)	4
(1)	Subject to subclause (2), the Chief Magistrate holds the office of Chief Magistrate while he or she holds office as a Magistrate.	5 6
(2)	With the approval of the Governor, the Chief Magistrate may resign the office of Chief Magistrate without resigning the office of Magistrate.	7 8
(3)	The Chief Magistrate may delegate to a Deputy Chief Magistrate any of the Chief Magistrate's functions other than this power of delegation.	9 10
Part 3	Deputy Chief Magistrates	11
11	Deputy Chief Magistrates (cf LCA 1982, section 15)	12
(1)	Subject to subclause (2), a Deputy Chief Magistrate holds the office of Deputy Chief Magistrate while he or she holds office as a Magistrate.	13 14
(2)	With the approval of the Governor, a Deputy Chief Magistrate may resign the office of Deputy Chief Magistrate without resigning the office of Magistrate.	15 16 17
(3)	A Deputy Chief Magistrate nominated for the purposes of this subclause by an order in writing of the Minister may, in accordance with the terms of that order, act in the office of the Chief Magistrate during:	18 19 20
(a)	an absence from duty of the Chief Magistrate, or	21
(b)	a vacancy in the office of Chief Magistrate.	22
(4)	A Deputy Chief Magistrate has and may exercise all of the functions of the Chief Magistrate while acting in that office.	23 24
Part 4	Acting Magistrates	25
12	Acting Magistrates	26
(1)	An acting Magistrate has the powers and authorities of a Magistrate, is to fulfil the duties of a Magistrate and for the purposes of this or any other Act (other than the <i>Statutory and Other Offices Remuneration Act 1975</i>) is taken to be a Magistrate.	27 28 29 30
(2)	A person appointed as an acting Magistrate may, despite the expiration of the person's term of office, complete or otherwise continue to hear	31 32

Local Court Bill 2007

Schedule 1 Provisions relating to Magistrates

- and determine and otherwise deal with any proceedings that have been heard, or partly heard, by the person before the expiration of that term. 1
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- (3) While a person continues to deal with or determine, under subclause (2), any proceedings that have been heard or partly heard by the person before the expiration of the person's term of office, the person has all the entitlements and functions of a Magistrate and, for the purposes of those proceedings, is taken to continue to be a Magistrate. 3
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- (4) A person appointed as an acting Magistrate is entitled to be paid such remuneration as the Governor considers appropriate and such travelling and subsistence allowances as the Minister may from time to time determine in respect of the Magistrate. 8
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Schedule 2	Provisions relating to Assessors	1
	(Section 17 (2))	2
1	Term of office (cf LCA 1982, clause 1 of Schedule 2)	3
	Subject to this Schedule, an Assessor holds office, for such period (not exceeding 7 years) as may be specified in the Assessor's instrument of appointment, but is eligible (if otherwise qualified) for re-appointment.	4 5 6
2	Remuneration (cf LCA 1982, clause 2 of Schedule 2)	7
	An Assessor is entitled to be paid:	8
	(a) remuneration in accordance with the <i>Statutory and Other Offices Remuneration Act 1975</i> , and	9 10
	(b) such travelling and subsistence allowances as the Minister may from time to time determine in respect of the Assessor.	11 12
3	Appointment on full-time or part-time basis	13
	The appointment of an Assessor may be on a full-time or part-time basis.	14 15
4	Effect of employment as Assessor	16
	(1) Except as provided by this clause, an Assessor must not engage in any business or employment outside the duties of his or her office except with the approval of the Governor.	17 18 19
	(2) Subclause (1) does not allow the Governor to give approval for an Assessor to practise as an Australian legal practitioner for fee, gain or reward.	20 21 22
	(3) Subclause (1) does not apply to an Assessor appointed on a part-time basis, but such a person must not:	23 24
	(a) accept or continue to hold or discharge the duties of or be employed in any paid office in connection with any commercial business, or	25 26 27
	(b) engage in or undertake any such business, whether as principal or agent, or	28 29
	(c) practise as an Australian legal practitioner for fee, gain or reward or engage in or continue in the private practice of any other profession, occupation or trade, or enter into any employment, whether remunerated or not, with any person so engaged.	30 31 32 33

5 Leave (cf LCA 1982, clause 4 of Schedule 2)	1
(1) An Assessor, if appointed on a full-time basis, is entitled to such leave:	2
(a) as is determined by the Minister, or	3
(b) as may be specified in respect of the Assessor in the Assessor's instrument of appointment.	4
(2) Leave may be determined or specified as referred to in subclause (1) by reference to the leave entitlement of the holder of any other office or class of office.	5
6 Effect of certain other Acts (cf LCA 1982, clause 3 of Schedule 2)	6
(1) The <i>Public Sector Employment and Management Act 2002</i> does not apply to or in respect of the appointment or employment of Assessors.	7
(2) If by or under any Act provision is made:	8
(a) requiring a person who is the holder of a specified office to devote the whole of his or her time to the duties of that office, or	9
(b) prohibiting a person from engaging in employment outside the duties of that office,	10
that provision does not operate to disqualify the person from holding that office and also the office of an Assessor appointed on a part-time basis or, subject to subclause (3), from accepting and retaining any remuneration payable to the person under this Act as an Assessor appointed on a part-time basis.	11
(3) Subclause (2) does not operate to authorise an officer of the Court to accept or retain any remuneration payable to the officer as an Assessor.	12
7 Vacation of office (cf LCA 1982, clause 6 of Schedule 2)	13
An Assessor vacates office if the Assessor:	14
(a) completes a term of office and is not re-appointed, or	15
(b) dies, or	16
(c) resigns the office by instrument in writing addressed to the Minister, or	17
(d) becomes a mentally incapacitated person, or	18
(e) is removed from office by the Minister under clause 8.	19
8 Removal from office (cf LCA 1982, clause 5 of Schedule 2)	20
The Minister may remove an Assessor from office for incapacity, incompetence or misbehaviour.	21

Schedule 3	Provisions relating to Rule Committee	1
	(Section 25 (5))	2
1	Term of office (cf LCA 1982, sections 30 and 31)	3
	A member other than the Chief Magistrate is to hold office for the period specified in the member's instrument of appointment and is eligible (if otherwise qualified) for re-appointment.	4 5 6
2	Vacancy of office (cf LCA 1982, sections 30 and 31)	7
(1)	A member ceases to hold office in any of the following circumstances:	8
(a)	in the case of a member referred to in section 25 (2) (a)–(e), if the member ceases to hold the qualification by virtue of which the member was appointed or holds office,	9 10 11
(b)	in the case of a member appointed by the Chief Magistrate, if the member resigns as a member by instrument in writing addressed to the Chief Magistrate,	12 13 14
(c)	in the case of the member appointed by the Director-General of the Attorney General's Department, if the member resigns as a member by instrument in writing addressed to the Director-General,	15 16 17 18
(d)	in the case of the member appointed by the Minister, if the member resigns as a member by instrument in writing addressed to the Minister.	19 20 21
(2)	If the office of a member other than the Chief Magistrate becomes vacant, a person must, subject to this Act, be appointed to fill the vacancy.	22 23 24
3	Deputies for members	25
(1)	A reference to a power to appoint a member of the Rule Committee includes a power to appoint a deputy for that member.	26 27
(2)	In the absence of a member appointed under section 25 (2), (3) or (4), the member's deputy:	28 29
(a)	may, if available, act in the place of the member, and	30
(b)	subject to clause 4 (3)—while so acting, has the functions of the member and is taken to be the member.	31 32
4	Chairperson (cf LCA 1982, section 33)	33
(1)	The Chief Magistrate is to be the chairperson of the Rule Committee.	34
(2)	The Chief Magistrate is to appoint in writing one of the other members of the Rule Committee who is a Magistrate as deputy chairperson.	35 36

- (3) A person nominated as a deputy for the Chief Magistrate is not entitled to exercise any of the functions of the Chief Magistrate as chairperson of the Rule Committee. 1
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5 Meetings (cf LCA 1982, section 34) 4

- (1) The Rule Committee is (subject to this clause) to regulate its own procedure with respect to conducting meetings. 5
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- (2) The chairperson of the Rule Committee or, in the absence of the chairperson, the deputy chairperson of the Committee is to preside at a meeting of the Committee. 7
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- (3) In the absence from a meeting of the Rule Committee of both the chairperson and the deputy chairperson, another member of the Committee who is a Magistrate is to be chosen by the members present to preside at the meeting. 10
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- (4) A decision supported by a majority of the votes cast at a meeting of the Rule Committee at which a quorum is present is the decision of the Rule Committee. 14
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- (5) The person presiding at a meeting of the Rule Committee has a deliberative vote and, in the event of an equality of votes, also has a casting vote. 17
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- (6) The Chief Magistrate is to call meetings of the Rule Committee as the Chief Magistrate thinks necessary (subject to any decision of the Committee under subclause (1)). 20
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- (7) The Rule Committee may, if it thinks fit, transact any of its business by the circulation of papers among all the members of the Committee for the time being, and a resolution in writing approved in writing by a majority of those members is taken to be a decision of the Committee. 23
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6 Quorum 27

The quorum for a meeting of the Rule Committee is a majority of the number of the members for the time being. 28
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Schedule 4	Savings, transitional and other provisions	1
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	(Section 5 (2))	3
Part 1	General	4
1	Regulations	5
(1)	The regulations may contain provisions of a savings or transitional nature consequent on the enactment of the following Acts: this Act	6 7 8
(2)	Any such provision may, if the regulations so provide, take effect from the date of assent to the Act concerned or a later date.	9 10
(3)	To the extent to which any such provision takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as:	11 12 13
(a)	to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or	14 15 16
(b)	to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.	17 18 19
Part 2	Provisions consequent on enactment of this Act	20 21
2	Definitions	22
	In this Part:	23
	<i>former Act</i> means the <i>Local Courts Act 1982</i> .	24
	<i>former Court</i> means a court established under the <i>Local Courts Act 1982</i> .	25 26
	<i>relevant repeal date</i> means that date on which the former Act is repealed by the <i>Local Court Act 2007</i> .	27 28
3	Abolition of Local Courts	29
	All former Courts are abolished on the relevant repeal date.	30

4	Continuation of judicial office	1
(1)	A commission of appointment made under the former Act is, to the extent that the commission has effect immediately before the relevant repeal date, taken to have been issued under this Act.	2 3 4
(2)	A person who, immediately before the relevant repeal date, held office as a Magistrate under Part 3 of the former Act is, on that date, taken to have been appointed as a Magistrate under this Act:	5 6 7
	(a) subject to any conditions of the Magistrate’s appointment under the former Act, and	8 9
	(b) if the person was appointed for a specified term—for the remainder of that term.	10 11
(3)	A person who, immediately before the relevant repeal date, held office as the Chief Magistrate under Part 3 of the former Act is, on that date, taken to have been appointed as Chief Magistrate under this Act.	12 13 14
(4)	A person who, immediately before the relevant repeal date, held office as a Deputy Chief Magistrate under Part 3 of the former Act is, on that date, taken to have been appointed as a Deputy Chief Magistrate under this Act.	15 16 17 18
5	Continuation of other offices	19
(1)	A person who, immediately before the relevant repeal date, held office as an Assessor under Part 7 of the former Act is taken to hold office under this Act as an Assessor, subject to any terms and conditions specified in the Assessor’s instrument of appointment, for the remainder of the term for which the person was appointed as an Assessor.	20 21 22 23 24
(2)	A person who, immediately before the relevant repeal date, held office as a registrar of a former Court under Part 2 of the former Act is taken to hold office under this Act as a registrar.	25 26 27
(3)	A person who, immediately before the relevant repeal date, held office as a deputy registrar of a former Court under Part 2 of the former Act is taken to hold office under this Act as a deputy registrar.	28 29 30
(4)	Unless the Chief Magistrate otherwise directs, a direction is taken to have been duly made under section 23 by the Chief Magistrate that a registrar, deputy registrar or Assessor is to exercise his or her functions at the designated place or places where he or she was entitled to exercise his or her functions under the former Act immediately before the relevant repeal date.	31 32 33 34 35 36

6	Pending applications and proceedings under former Act	1
(1)	Subject to subclause (2), this Act and the rules apply to proceedings commenced before the relevant repeal date in the same way as they apply to proceedings commenced on or after that date.	2 3 4
(2)	The Court may make such orders dispensing with the requirements of the rules in relation to the proceedings commenced before the relevant repeal date, and such consequential orders (including orders as to costs), as are appropriate in the circumstances.	5 6 7 8
7	Special jurisdiction	9
	Any matter being dealt with by a former Court under Part 6 of the former Act before the relevant repeal date is taken to form part of the Court's special jurisdiction under Part 4.	10 11 12
8	Continuation of proceedings after Magistrate's vacation of office	13
	Clause 4 of Schedule 1 applies in respect of proceedings commenced before or after the commencement of that clause.	14 15
9	Designated places	16
	A place at which a former Court could be held, pursuant to an appointment made under section 6 (1) of the former Act, immediately before the relevant repeal date is taken, on that date, to have been the subject of a direction and notification by the Chief Magistrate, pursuant to section 22, that each such place is a designated place for the purposes of this Act.	17 18 19 20 21 22
10	General savings provision	23
(1)	Subject to this Act and the regulations, anything done under or for the purposes of a provision of the former Act is, to the extent that the thing has effect immediately before the repeal of the provision, taken to have been done under or for the purposes of the corresponding provision of this Act.	24 25 26 27 28
(2)	Without limiting subclause (1), any approval, authority or appointment in force under a provision of the former Act immediately before the repeal of the provision is taken to be an approval, authority or appointment in force under the corresponding provision of this Act.	29 30 31 32
11	References to a Local Court	33
	Subject to this Act and the regulations, a reference in another Act or in an instrument made under an Act or in any document enacted or made before the relevant repeal date to:	34 35 36
(a)	a Local Court is to be read as a reference to the Local Court, and	37

Local Court Bill 2007

Schedule 4 Savings, transitional and other provisions

- (b) a registrar of a Local Court is to be read as a reference to a registrar of the Local Court, and 1
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- (c) a deputy registrar of a Local Court is to be read as a reference to a deputy registrar of the Local Court, and 3
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- (d) a Local Court at a particular place is to be read as a reference to the Local Court sitting at that place. 5
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