

**COURTS LEGISLATION (PROCEDURE) AMENDMENT
BILL 1989**

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to amend certain Acts:

- (a) to extend to the Supreme Court the scheme for compulsory arbitration in civil proceedings that currently applies to the District Court and Local Courts and to make a minor amendment to that scheme;
- (b) to enable a writ of execution issued by a Local Court to be enforced against land if the writ is for at least \$3,000;
- (c) to make it clear that the jurisdictional limit on a transfer of proceedings from the Supreme Court to the District Court is the limit in force at the time of transfer;
- (d) to increase to \$20,000 the limit on the District Court's jurisdiction in equity proceedings and proceedings for possession of land;
- (e) to clarify the civil jurisdiction of a Local Court when the defendant is in another State;
- (f) to enable a Local Court registrar to make orders for costs in any proceedings;
- (g) to enable an arbitrator (under the Arbitration (Civil Actions) Act 1983) on an action referred by a Local Court to certify in special circumstances that costs should not be determined in accordance with the prescribed scales;
- (h) to extend the procedural provisions of section 76A of the Supreme Court Act 1970 (Directions for the speedy determination of real questions in commercial proceedings) to other Divisions of the Supreme Court and to insert a similar provision in the District Court Act 1973;

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- (i) to increase from 72 to 75 years the maximum age for Acting Judges of the Supreme Court, Industrial Commission, Land and Environment Court, District Court and Compensation Court who are retired Judges and for Acting Masters of the Supreme Court who are retired Masters.

Schedule 1 makes amendments to the Arbitration (Civil Actions) Act 1983.

Schedule 2 makes amendments to the Compensation Court Act 1984.

Schedule 3 makes amendments to the District Court Act 1973.

Schedule 4 makes amendments to the Industrial Arbitration Act 1940.

Schedule 5 makes amendments to the Land and Environment Court Act 1979.

Schedule 6 makes amendments to the Local Courts (Civil Claims) Act 1970.

Schedule 7 makes amendments to the Real Property Act 1900.

Schedule 8 makes amendments to the Supreme Court Act 1970.

The amendments to each Act are explained in detail in the explanatory note relating to the Act concerned set out in each Schedule.
