

[Act 2002 No 70]



New South Wales

## Courts Legislation Further Amendment Bill 2002

### Explanatory note

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

### Overview of Bill

The objects of this Bill are as follows:

- (a) to amend the *Bail Act 1978* to allow bail undertakings to be given to authorised officers of the Department of Corrective Services,
- (b) to amend the *Land and Environment Court Act 1979* to facilitate electronic filing in the Court and electronic issue of process out of the Court,
- (c) to amend the *Liquor Act 1982* (and the *Statutory and Other Offices Remuneration Act 1975*) to make it clear that licensing magistrates who are Magistrates with limited tenure are entitled to be paid remuneration payable in respect of Magistrates with limited tenure under section 24 (2) of the *Local Courts Act 1982*,

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\* Amended in committee—see table at end of volume.

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- (d) to amend the *Local Courts Act 1982* to prevent new appointees to the Magistracy from carrying forward leave entitlements from previous employment in a public sector service,
- (e) to amend the *Supreme Court Act 1970* to remove restrictions on certain civil matters being referred to arbitration if they are complex or if the hearing of the proceedings is likely to be lengthy.

## Outline of provisions

**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** is a formal provision giving effect to the amendments to the *Bail Act 1978* set out in Schedule 1, to the *Land and Environment Court Act 1979* set out in Schedule 2, to the *Liquor Act 1982* set out in Schedule 3, to the *Local Courts Act 1982* set out in Schedule 4, to the *Statutory and Other Offices Remuneration Act 1975* set out in Schedule 5 and to the *Supreme Court Act 1970* set out in Schedule 6.

## Schedule 1 Amendment of Bail Act 1978 No 161

**Schedule 1 [1]** enables bail undertakings to be given to officers of the Department of Corrective Services who are authorised by the Commissioner of Corrective Services for that purpose.

**Schedule 1 [2] and [3]** make amendments consequential on that made by Schedule 1 [1].

## Schedule 2 Amendment of Land and Environment Court Act 1979 No 204

**Schedule 2 [1]** enables all process issued out of the Land and Environment Court to be signed or otherwise authenticated in accordance with the rules of the Court, rather than being required to be signed by the issuing officer and marked with the Court office stamp. The amendment will facilitate electronic filing in the Court and electronic issue of process out of the Court in accordance with rules of the Court that have effect from 1 July 2002.

**Schedule 2 [2]** inserts a provision that validates acts or omissions occurring on or after 1 July 2002 and before the commencement of the amendment made by Schedule 2 that would have been valid had that amendment been in force when the things were done or omitted to be done.

### **Schedule 3 Amendment of Liquor Act 1982 No 147**

**Schedule 3** provides that licensing magistrates under the Act who are Magistrates with limited tenure under the *Local Courts Act 1982* (colloquially referred to as “acting” magistrates) are entitled to be paid remuneration payable in respect of Magistrates with limited tenure under section 24 (2) of that Act.

### **Schedule 4 Amendment of Local Courts Act 1982 No 164**

**Schedule 4 [2]** inserts new section 25A which provides that a person who was employed in a public sector service before being appointed as a Magistrate does not retain existing leave entitlements accrued or accruing to the person as such an employee. The new section applies only in relation to persons appointed as Magistrates on or after the commencement of the section.

**Schedule 4 [1]** makes a consequential amendment.

### **Schedule 5 Amendment of Statutory and Other Offices Remuneration Act 1975 (1976 No 4)**

**Schedule 5** makes an amendment consequential on the amendment made by Schedule 3.

### **Schedule 6 Amendment of Supreme Court Act 1970 No 52**

**Schedule 6 [1]** omits provisions that prevent the Supreme Court referring certain civil matters to arbitration if the proceedings involve complex questions of law or fact or if the hearing of the proceedings is expected to be lengthy.

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**Schedule 6 [2]** extends the amendment made by Schedule 6 [1] to proceedings commenced, but not determined, before the commencement of the amendment.