

Act No. 104 of 1990

LOCAL COURTS (CIVIL CLAIMS) AMENDMENT BILL 1990

NEW SOUTH WALES



EXPLANATORY NOTE

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

At present, the Local Courts (Civil Claims) Act 1970 confers on Local Courts the jurisdiction to hear and determine actions for claims not exceeding \$10,000. The jurisdiction conferred on a court by or under the Act is exercised by a Magistrate.

The object of this Bill is to amend the Local Courts (Civil Claims) Act 1970:

- to establish Small Claims Divisions of Local Courts for the purposes of hearing and determining actions for claims not exceeding \$3,000
- as a consequence, to divide Local Courts when exercising jurisdiction under the Act into 2 Divisions (the General Division and the Small Claims Division)
- to provide for the appointment of Assessors to exercise the jurisdiction conferred on a court sitting in its Small Claims Division and to provide that Magistrates may also exercise this jurisdiction
- to provide that an Assessor or Magistrate is required to bring or attempt to bring the parties to an action in the Small Claims Division to a settlement
- to provide generally that proceedings in the Small Claims Division are to be conducted informally and without the rules of evidence being applied
- to provide that costs are not to be awarded to or against a party in the Small Claims Division
- to provide that an appeal in respect of proceedings in the Small Claims Division lies only on the ground of lack of jurisdiction or denial of natural justice
- to enable rules to be made for removing actions between Divisions, determining the Division which is to hear certain action and referring matters to Community Justice Centres for mediation
- to make provisions relating to the term of appointment, remuneration, removal etc, of Assessors

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act commences on a day or days to be appointed by proclamation.

Local Courts (Civil Claims) Amendment 1990

Clause 3 gives effect to the Schedule of amendments.

Clause 4 amends the Statutory and Other Offices Remuneration Act 1975 to provide for the determination by the Statutory and Other Offices Remuneration Tribunal of the remuneration to be paid to Assessors appointed under the Local Courts (Civil Claims) Act 1970 as amended by the proposed Act.

Clause 5 provides that the amendments to the Local Courts (Civil Claims) Act 1970 do not apply to actions already commenced.

Schedule 1 contains the amendments described above.
