Act 1994 No. 14

SUPREME COURT (AMENDMENT) BILL 1994

NEW SOUTH WALES

EXPLANATORY NOTE

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

The Criminal Appeal (Amendment) Bill 1994 is cognate with this Bill.

The object of this Bill is to amend the Supreme Court Act 1970:

(a) to allow any Judge or Judges of the Court of Appeal to deliver the judgment of the Court of Appeal so that the Judges who heard the appeal need not be present at the sitting of the Court when judgment is delivered; and

(b) to allow the Chief Justice to direct that an appeal to the Court of Appeal on the amount of damages awarded in a personal injury case be heard by only 2 Judges, instead of 3 Judges (as is presently the case), if in the opinion of the Chief Justice the case is not likely to require the resolution of a disputed issue of general principle; and

(c) to provide that in a case to which (b) applies, if the 2 Judges do not come to the same decision on the appeal, the appeal is to be reheard and determined by a court consisting of 3 Judges (including, if practicable, the 2 Judges who first heard the appeal); and

(d) to make minor and consequential amendments and enact transitional provisions.

The Bill also amends the Suitors' Fund Act 1951 to enable a party to proceedings that are required to be reheard as referred to in (c) above (or under the parallel provisions of the Criminal Appeal (Amendment) Bill 1994) to be paid the party's costs on the aborted proceedings out of the Suitors' Fund established under that Act.

Clause 1 specifies 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.

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Clause 3 is a formal provision giving effect to the Schedule of amendments to the Supreme Court Act 1970.

Clause 4 contains the amendment to the Suitors' Fund Act 1951 described above.

Schedule 1 contains the amendments to the Supreme Court Act 1970 described above.