

[Act 1998 No 172]



New South Wales

Courts Legislation Further Amendment Bill 1998

Explanatory note

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

Overview of Bill

The objects of this Bill are:

- (a) to amend the *District Court Act 1973* to ensure that the District Court has jurisdiction to determine proceedings in respect of a cause of action that arises wholly or partly outside of the State if the defendant is duly served with the originating process (whether within the State or outside the State). and
- (b) to amend the *Fines Act 1996*:
 - (i) to enable penalty reminder notices under the Act to include annexures and enclosures, and
 - (ii) to require all fines owing by a person whose licence has been suspended under the Act to be paid before the licence can be reinstated, and
 - (iii) to enable the State Debt Recovery Office to direct the Roads and Traffic Authority to take immediate enforcement action if a fine has not been paid by an extended due date, and

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

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- (c) to amend the *Industrial Relations Act 1996* to enable a single member of the Industrial Relations Commission to deal with interlocutory and other matters in relation to appeals to the Full Bench of the Commission, and
- (d) to amend the *Judicial Officers Act 1986* to remove the age limit for appointed members of the Judicial Commission, and
- (e) to amend the *Justices Act 1902* to extend the power of Local Courts to issue subpoenas and to make consequential amendments to the *Local Courts (Civil Claims) Act 1970*, and
- (f) to amend the *Land and Environment Court Act 1979* to change the name of the position of “conciliation and technical assessor” of the Court (also referred to as “assessor” in that Act) to “Commissioner”, and
- (g) to amend the *Local Courts Act 1982* to ensure that acting Magistrates may not be appointed for a term that takes them beyond the age of 70 years, and
- (h) to amend the *Suitors’ Fund Act 1951* to provide for the Suitors’ Fund to form part of the Attorney General’s Department Account instead of a separate account in the Special Deposits Account in the Treasury, and to amend the *Supreme Court Act 1970* to abolish all existing Divisions of the Court other than the Common Law Division and the Equity Division. to provide for the assignment of proceedings to those remaining Divisions and to enable the Chief Justice to designate Judges of the Court to be List Judges, and
- (j) to make amendments to the above Acts of a savings or transitional nature.

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 Acts set out in Schedules 1–10.

Clause 4 provides that matter appearing under the heading “Explanatory note” in the Schedules does not form part of the proposed Act.

Schedules 1–10 make the amendments to the Acts outlined above.

A detailed explanation of each of the amendments is set out in the Bill after the amendments concerned.