

Community Justice Centres Amendment Act 2007 No 70

[2007-70]



New South Wales

Status Information

Currency of version

Historical version for 1 July 2008 to 7 January 2010 (accessed 25 November 2024 at 20:16)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

Some, but not all, of the provisions displayed in this version of the legislation have commenced.

Notes—

- **Does not include amendments by**
[Statute Law \(Miscellaneous Provisions\) Act \(No 2\) 2009 No 106](#) (not commenced — to commence on 8.1.2010)
- **Proposed repeal**
The Act is to be repealed by sec 5 (1) of this Act on the day following the day on which all of the provisions of this Act have commenced.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 14 December 2009

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Community Justice Centres Amendment Act 2007 No 70



New South Wales

An Act to amend the *Community Justice Centres Act 1983* with respect to the staff and administration of Community Justice Centres, the abolition of the Community Justice Centres Council and the conduct of certain mandatory mediation; and for other purposes.

1 Name of Act

This Act is the *Community Justice Centres Amendment Act 2007*.

2 Commencement

- (1) Except as provided by subsection (2), this Act commences on the date of assent.
- (2) Schedule 1 [4], [7], [8], [17], [18], [20], [30], [32] and [33] and Schedule 2.1 and 2.2 commence on a day or days to be appointed by proclamation.

3 Amendment of *Community Justice Centres Act 1983 No 127*

The *Community Justice Centres Act 1983* is amended as set out in Schedule 1.

4 Amendment of other Acts and Regulation

Each Act and Regulation specified in Schedule 2 is amended as set out in that Schedule.

5 Repeal of Act

- (1) This Act is repealed on the day following the day on which all of the provisions of this Act have commenced.
- (2) The repeal of this Act does not, because of the operation of section 30 of the *Interpretation Act 1987*, affect any amendment made by this Act.

Schedule 1 Amendment of **Community Justice Centres Act 1983**

(Section 3)

[1]-[3] (Repealed)

[4] Section 4 (1), definition of “mediator”

Omit paragraph (b) of the definition. Insert instead:

- (b) a person employed under Chapter 1A of the *Public Sector Employment and Management Act 2002* as a mediator for Community Justice Centres.

[5], [6] (Repealed)

[7] Section 11

Omit the section.

[8] Section 12

Omit the section. Insert instead:

12 Staff

The Director and the staff of Community Justice Centres (including mediators) are to be employed under and in accordance with Chapter 1A of the *Public Sector Employment and Management Act 2002*.

[9]-[16] (Repealed)

[17] Section 19 (1A)

Omit “person holding a current accreditation as a mediator under section 11”.

Insert instead “mediator”.

[18] Section 19 (1A)

Omit “holds a current accreditation as a mediator”.

Insert instead “is a mediator”.

[19] (Repealed)

[20] Section 20A

Insert after section 20:

20A Provision of mandatory mediation services

- (1) This section applies to a dispute that has been referred to Community Justice Centres for mediation by an order of a court or tribunal under a provision of another Act or of a statutory rule and without the consent of all of the parties to the dispute.
- (2) The Director may accept, or decline to accept, a dispute to which this section applies for mediation under this Act.
- (3) If the Director accepts a dispute to which this section applies for mediation:
 - (a) the Director may assign the mediator or mediators who are to conduct the mediation sessions in relation to the dispute, and
 - (b) a mediator assigned by the Director to conduct the mediation sessions in relation to the dispute is taken to be the mediator appointed by the court or tribunal that made the order referring the dispute for mediation or the mediator specified in the order, as the case may be.
- (4) Unless otherwise provided by the regulations:
 - (a) the provisions of this Act (except sections 23 (1) and (3), 27, 28 and 29) apply to the mediation under this Act of a dispute to which this section applies and to the mediators conducting the mediation sessions in relation to the dispute, and
 - (b) the provisions of the Act or statutory rule under which an order was made referring such a dispute for mediation under this Act, and the terms of the order:
 - (i) apply to the mediation of the dispute under this Act and to the mediators conducting the mediation sessions in relation to the dispute in the same way as they apply to mediation under the Act or statutory rule under which the referring order was made and mediators conducting mediation under that Act or statutory rule, and
 - (ii) so apply except to the extent to which they are inconsistent with subsection (3) or the other provisions of this Act applied by paragraph (a).
- (5) If the Director accepts a dispute to which this section applies for mediation under this Act, the Director is to provide a written report on the outcome of the mediation or attempted mediation to the court or tribunal that referred the matter for mediation.
- (6) If the Director declines to accept a dispute to which this section applies for mediation under this Act, the Director is to give the court or tribunal that

referred the matter for mediation notice in writing of the Director's decision and the reason for the decision.

[21]-[29] (Repealed)

[30] Section 29 (2) (c1)

Insert after section 29 (2) (c):

(c1) where the disclosure is made for the purposes of section 29A,

[31] (Repealed)

[32] Section 29A

Insert after section 29:

29A Mandatory reporting

If a mediator has reasonable grounds to suspect that a child is at risk of harm (within the meaning of section 23 of the *Children and Young Persons (Care and Protection) Act 1998*) and those grounds arise during the course of or from the mediator's work as a mediator, it is the duty of the mediator to make a report, as soon as practicable, under section 24 of that Act.

[33] Section 30 Power to accept appointment

Omit the section.

[34]-[39] (Repealed)

Schedule 2 Amendment of other Acts and Regulation

(Section 4)

2.1 Civil Procedure Act 2005 No 28

[1] Section 26 Referral by court

Insert after section 26 (2):

(2A) Without limiting subsections (1) and (2), the court may refer proceedings or part of proceedings for mediation under the *Community Justice Centres Act 1983*.

[2] Section 34 Mediation otherwise than under this Part

Insert "without having being referred under section 26" after "*Community Justice Centres Act 1983*" in section 34 (b).

2.2 Consumer, Trader and Tenancy Tribunal Act 2001 No 82

[1] Section 59 Referral by Tribunal

Insert after section 59 (2):

- (3) Without limiting subsections (1) and (2), the Tribunal may refer a matter arising in proceedings for mediation under the *Community Justice Centres Act 1983*.

[2] Section 64 Other measures not precluded

Insert “without having being referred under section 59” after “*Community Justice Centres Act 1983*” in section 64 (b).

2.3

(Repealed)