

Justice Legislation Amendment Act (No 2) 2017 No 44

[2017-44]



New South Wales

Status Information

Currency of version

Historical version for 2 December 2017 to 25 December 2017 (accessed 26 November 2024 at 19:10)

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Provisions in force

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

Notes—

- **Note**
Amending Acts and amending provisions are subject to automatic repeal pursuant to sec 30C of the [Interpretation Act 1987 No 15](#) once the amendments have taken effect.

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](#).

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Justice Legislation Amendment Act (No 2) 2017 No 44



New South Wales

An Act to amend various legislation relating to courts and crimes and other related matters.

1 Name of Act

This Act is the *Justice Legislation Amendment Act (No 2) 2017*.

2 Commencement

- (1) This Act commences on the date of assent to this Act, except as provided by this section.
- (2) Schedules 1.2 [2] and [3], 1.3 [4]-[6], 1.6 [1] and [7]-[13], 1.10 and 1.17 [2] commence on a day or days to be appointed by proclamation.
- (3) Schedule 1.3 [1] commences 3 months after the date of assent to this Act, unless commenced sooner by proclamation.

Schedule 1 Amendment of legislation

1.1, 1.2

(Repealed)

1.3 Civil Procedure Act 2005 No 28

[1] Section 106 Judgments for payment of money

Omit section 106 (3). Insert instead:

- (3) The power conferred on the Sheriff by subsection (2) (a) may not be exercised in relation to any property referred to in section 116 (2) of the *Bankruptcy Act 1966* of the Commonwealth. For that purpose, a reference in section 116 (2) of that Act to the property of the bankrupt is taken to be a reference to the goods of the judgment debtor.

[2], [3] (Repealed)

[4] Section 118A

Insert after section 118:

118A Minimum account balance of judgment debtor

- (1) The amounts attached under one or more garnishee orders must not, in total, reduce the amount of the aggregate debt that is due and accruing from the garnishee to the judgment debtor to less than \$447.70.
- (2) The amount of \$447.70 referred to in subsection (1) is taken to be an **adjustable amount** for the purposes of Division 6 of Part 3 of the [Workers Compensation Act 1987](#).

[5] Section 124A

Insert after section 124:

124A Variation, suspension or repayment of payments under garnishee orders

The court may, at any time on the application by a judgment debtor, vary or suspend the making of payments by the judgment debtor under a garnishee order, or order the total amount paid by the judgment debtor under the garnishee order to be repaid, if the court is satisfied that it is appropriate to do so.

[6] (Repealed)

1.4-1.24

(Repealed)