

## **Explanatory note**

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

This Bill is cognate with the *Local Court Bill 2007*.

### Overview of Bill

The object of this Bill is to make amendments to various Acts and instruments as a consequence of the proposed enactment of the *Local Court Act 2007*.

The proposed *Local Court Act 2007 (the 2007 Act)* repeals the *Local Courts Act 1982 (the 1982 Act)*. Accordingly, references to the 1982 Act in other Acts and instruments are replaced with references to the 2007 Act.

On the commencement of the 2007 Act, the Local Courts throughout New South Wales will be replaced by the Local Court (which will sit at various places throughout New South Wales). Accordingly, references in other Acts and instruments to “a Local Court” are replaced with references to “the Local Court” and references to the Local Court at a particular place are replaced with references to either the Local Court or the Local Court sitting at a particular place.

The 2007 Act provides that a reference to the **relevant registrar** of the Local Court is a reference to:

(a) when used in connection with a particular place, the registrar for that place, or

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(b) when used in connection with a particular function, the registrar authorised to exercise that function, or

(c) when used in connection with a particular place and a particular function, the registrar authorised to exercise that function at or in relation to that place, or

(d) when used in relation to particular proceedings, the registrar for the place at which the proceedings are being, or are to be, heard or (if they have been determined) the place at which the proceedings were determined.

The Bill updates references to registrars in other Acts and instruments in a similar manner.

The 2007 Act provides that all proceedings in the Local Court are to be heard and determined by a Magistrate who is to constitute the Court. Various references in other Acts and instruments to the Local Court constituted by a Magistrate sitting alone or held before a Magistrate are therefore unnecessary and are removed.

The Bill also makes other minor consequential amendments and statute law revision amendments.

Note that a particular Act or instrument may be amended by more than one Schedule to this Bill.

### 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 that gives effect to the amendments to the Acts and instruments specified in Schedule 1 as set out in that Schedule.

**Clause 4** is a formal provision that gives effect to the amendments to the Acts and instruments set out in Schedules 2–7.

**Clause 5** provides for the repeal of the *Courts of Petty Sessions (Civil Claims) Further Amendment Act 1982*.

**Clause 6** provides for the repeal of the proposed Act after all the amendments made by the proposed Act have commenced. Once the amendments have commenced the proposed Act will be spent and section 30 of the *Interpretation Act 1987* provides that the repeal of an amending Act does not affect the amendments made by that Act.

### **Schedule 1 Amendment of Acts and instruments**

**Schedule 1** amends various Acts and instruments for the purposes set out in the

Overview.

**Schedule 2 Amendments replacing “a Local Court” with “the Local Court”**

**Schedule 2** amends the provisions of the Acts and instruments specified by omitting references to “a Local Court” and replacing with references to “the Local Court”.

**Schedule 3 Amendments replacing “A Local Court” with “The Local Court”**

**Schedule 3** amends the provisions of the Acts and instruments specified by omitting references to “A Local Court” and replacing with references to “The Local Court”.

**Schedule 4 Amendments replacing “a Local Court constituted by a Magistrate sitting alone” with “the Local Court”**

**Schedule 4** amends the provisions of the Acts and instruments specified by omitting references to “a Local Court constituted by a Magistrate sitting alone” and replacing with references to “the Local Court”.

**Schedule 5 Amendments replacing “a Local Court constituted by a Magistrate” with “the Local Court”**

**Schedule 5** amends the provisions of the Acts and instruments specified by omitting references to “a Local Court constituted by a Magistrate” and replacing with references to “the Local Court”.

**Schedule 6 Amendments replacing “a Local Court held before a Magistrate sitting alone” with “the Local Court”**

**Schedule 6** amends the provisions of the Acts and instruments specified by omitting references to “a Local Court held before a Magistrate sitting alone” and replacing with references to “the Local Court”.

**Schedule 7 Amendments replacing “Local Courts Act 1982” with “Local Court Act 2007”**

**Schedule 7** amends the provisions of the Acts and instruments specified by omitting references to “*Local Courts Act 1982*” and replacing with references to “*Local Court Act 2007*”.