

Passed by both Houses



New South Wales

Justices Legislation Repeal and Amendment Bill 2001

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I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney, , 2001*



New South Wales

Justices Legislation Repeal and Amendment Bill 2001

Act No , 2001

An Act to repeal and amend certain Acts consequent on the enactment of the *Criminal Procedure Amendment (Justices and Local Courts) Act 2001* and the *Crimes (Local Courts Appeal and Review) Act 2001*.

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

Chairman of Committees of the Legislative Assembly.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Justices Legislation Repeal and Amendment Act 2001*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

3 Repeals

- (1) Each Act specified in Schedule 1 is repealed.
- (2) Different days may be appointed for the commencement of subsection (1) for the purpose of repealing, on different days, different provisions of the *Justices Act 1902*.

4 Amendment of Acts

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

Schedule 1 Repeals

(Section 3)

Justices Act 1902 No 27

Justices (Amendment) Act 1986 No 113

Justices (Amendment) Act 1988 No 98

Justices (Appeals) Amendment Act 1988 No 99

Justices (Bail) Amendment Act 1978 No 162

Justices (Committal Statements) Amendment Act 1990 No 94

Justices (Paper Committals) Amendment Act 1987 No 235

Justices (Penalties and Procedure) Amendment Act 1985 No 207

Supreme Court (Summary Jurisdiction) Act 1967 No 72

Supreme Court (Summary Jurisdiction) Bail (Amendment) Act 1978 No 164

Supreme Court (Summary Jurisdiction) Crimes (Amendment) Act 1979 No 96

Schedule 2 Amendment of Acts

(Section 4)

2.1 Aboriginal Land Rights Act 1983 No 42

Section 67 Proceedings for offences

Omit “constituted by a magistrate sitting alone”.

2.2 Access to Neighbouring Land Act 2000 No 2

Section 37 Proceedings for applications or offences

Omit “constituted by a Magistrate sitting alone”.

2.3 Accommodation Levy Act 1997 No 32

Section 17 Proceedings for offences

Omit “constituted by a Magistrate sitting alone”.

2.4 Administrative Decisions Tribunal Act 1997 No 76

Section 143 Proceedings for offences

Omit “constituted by a Magistrate sitting alone”.

2.5 Adoption Act 2000 No 75

[1] Section 204 Proceedings for offences

Omit “constituted by a Magistrate sitting alone” from section 204 (1).

[2] Section 204 (3)

Omit “information or application” wherever occurring.
Insert instead “court attendance notice”.

[3] Section 204 (4)

Omit “*Justices Act 1902*”. Insert instead “*Criminal Procedure Act 1986*”.

2.6 Agricultural Industry Services Act 1998 No 45

Section 49 Proceedings for offences

Omit “constituted by a Magistrate sitting alone”.

2.7 Agricultural Scientific Collections Trust Act 1983 No 148

Section 22 Proceedings for offences

Omit “constituted by a Magistrate sitting alone”.

2.8 Air Transport Act 1964 No 36

[1] Section 12 Penalties and proceedings for offences against Act or regulations

Omit “constituted by a Magistrate sitting alone” from section 12 (2).

[2] Section 12 (3)

Omit the subsection. Insert instead:

- (3) Proceedings for an offence against this Act may be commenced at any time within 2 years after the commission of the offence.

2.9 Ambulance Services Act 1990 No 16

Section 29 Proceedings for offences

Omit “constituted by a Magistrate sitting alone”.

2.10 Anatomy Act 1977 No 126

Section 16 Proceedings for offences

Omit “constituted by a Magistrate sitting alone”.

2.11 Animal Research Act 1985 No 123

Section 57 Proceedings for offences

Omit “constituted by a Magistrate” from section 57 (1).

2.12 Annual Holidays Act 1944 No 31

[1] Section 12 Proceedings for recovery of penalties

Omit “constituted by a Magistrate sitting alone” from section 12 (1).

[2] Section 13 Recovery of holiday pay

Omit “constituted by a Magistrate sitting alone” from section 13 (1).

2.13 Anti-Discrimination Act 1977 No 48

Section 125 Proceedings for offences

Omit “constituted by a Magistrate sitting alone”.

2.14 Anzac Memorial (Building) Act 1923 No 27

Section 9 By-laws

Omit “constituted by a Magistrate sitting alone” from section 9 (3A).

2.15 Apiaries Act 1985 No 16

Section 42 General provisions with respect to offences against this Act

Omit “constituted by a Magistrate sitting alone” from section 42 (1).

2.16 Arbitration (Civil Actions) Act 1983 No 43

Section 19 Offences

Omit “constituted by a Magistrate sitting alone” from section 19 (1) (b).

2.17 Architects Act 1921 No 8

Section 23C Proceedings for offences

Omit “constituted by a Magistrate sitting alone”.

2.18 Art Gallery of New South Wales Act 1980 No 65

Section 23 By-laws

Omit “constituted by a Magistrate sitting alone” from section 23 (4).

2.19 Associations Incorporation Act 1984 No 143

Section 71 Proceedings for offences

Omit “constituted by a Magistrate sitting alone”.

2.20 Australian Museum Trust Act 1975 No 95

Section 19 Regulations

Omit “constituted by a Magistrate sitting alone” from section 19 (3).

2.21 Bail Act 1978 No 161

[1] Section 4 Definitions

Insert in alphabetical order in section 4 (1):

authorised justice means:

- (a) a registrar of a Local Court, or
- (b) an officer of the Attorney General’s Department or the Department of Corrective Services who is declared (whether by name or by reference to the holder of a particular office) by the Minister by instrument in writing published in the Gazette to be an authorised justice for the purposes of this Act, or
- (c) a person prescribed by the regulations for the purposes of this definition.

[2] Section 4 (1)

Omit the definition of *justice*.

[3] Section 4 (7)

Insert after section 4 (6):

- (7) Without limiting subsection (2) (a), a reference in that paragraph to a person charged with an offence includes a reference to a person who has been arrested and issued with a court attendance notice at a police station by a police officer.

[4] The whole Act (except where omitted by another item)

Omit “justice”, “justices” or “a justice” wherever occurring.

Insert instead “authorised justice”, “authorised justices” or “an authorised justice”, respectively.

[5] Section 6 Grant of bail for certain periods

Omit section 6 (g4)–(g6). Insert instead:

- (g4) the period between the making of an application to annul a conviction or sentence under section 4 of the *Crimes (Local Courts Appeal and Review) Act 2001* and the hearing of the application,
- (g5) the period between the referral of an application for annulment of a conviction or sentence under section 5 of the *Crimes (Local Courts Appeal and Review) Act 2001* and the hearing of the application,
- (g6) the period between the annulment of a conviction or sentence under section 8 of the *Crimes (Local Courts Appeal and Review) Act 2001* and the rehearing of the matter the subject of the proceedings from which the conviction or sentence arose,

[6] Section 6 (g8)

Omit “information laid or complaint made”.

Insert instead “court attendance notice issued”.

[7] Section 16 Extension of meaning of “adjournment” in section 6

Omit “section 41 (1B) of the *Justices Act 1902*” from section 16 (a).
Insert instead “section 72 of the *Criminal Procedure Act 1986*”.

[8] Section 16 (b)

Omit “section 51A (1) (d) (i) of the *Justices Act 1902*”.
Insert instead “section 104 of the *Criminal Procedure Act 1986*”.

[9] Section 16 (b)

Omit “section 51A (3) of that Act”. Insert instead “that section”.

[10] Section 16 (e)

Omit “section 64”. Insert instead “section 21”.

[11] Section 23 Power of magistrates and certain authorised justices to grant bail

Omit “(being a justice employed in the Department of Courts Administration)”.

[12] Section 23 (b)

Omit “Part 5, 5A or 5B of the *Justices Act 1902*”.
Insert instead “Part 3, 4 or 5 of the *Crimes (Local Courts Appeal and Review) Act 2001*”.

[13] Section 24 Limitations on power of magistrates to grant bail

Omit section 24 (1) (c).

[14] Section 24 (2) and (3)

Omit “or justice” wherever occurring in section 24 (2) and (3).

[15] Section 24 (2)

Omit “section 51A (3) of the *Justices Act 1902*”.
Insert instead “section 104 of the *Criminal Procedure Act 1986*”.

[16] Section 24 (4)

Omit “section 153A of the *Justices Act 1902*”.
Insert instead “section 312 of the *Criminal Procedure Act 1986*”.

[17] Section 25 Limitation on length of adjournments by magistrates and registrars where bail refused

Omit section 25 (1) (a) (ii). Insert instead:
(ii) a registrar of a Local Court,

[18] Section 25 (1) (b) and (c)

Omit “a justice who is not a clerk of a Local Court” wherever occurring.
Insert instead “an authorised justice who is not a registrar of a Local Court”.

[19] Section 25 (2) and (3)

Omit “or justice” wherever occurring.
Insert instead “, authorised justice or registrar”.

[20] Section 26 Power of District Court to grant bail

Omit “section 51A (1) (d) (i) of the *Justices Act 1902*” from section 26 (1) (f).
Insert instead “section 104 of the *Criminal Procedure Act 1986*”.

[21] Section 29

Omit the section. Insert instead:

29 Summary proceedings in Supreme Court

If summary proceedings for an offence are pending before the Supreme Court, bail may only be granted in relation to the offence by the Supreme Court.

[22] Section 42A Fraudulent disposal of assets

Omit “by a Local Court constituted by a Magistrate sitting alone” from section 42A (2).
Insert instead “summarily by a Local Court”.

[23] Section 48B Special limited review—bail conditions reviewable by authorised justice

Omit the definition of *justice* in section 48B (1).

[24] Section 48B (2)

Omit “A justice”. Insert instead “An authorised justice”.

[25] Section 48B (4) and (5)

Omit “informant or complainant” wherever occurring.
Insert instead “prosecutor”.

[26] Section 51 Offence of failing to appear

Omit “constituted by any Magistrate sitting alone” from section 51 (3) (c).

[27] Section 51 (4)

Omit the subsection.

[28] Section 51 (5) (a)

Omit “*Justices Act 1902*”. Insert instead “*Criminal Procedure Act 1986*”.

[29] Section 51 (5) (b) (ii) and (d) (ii)

Omit “the *Supreme Court (Summary Jurisdiction) Act 1967* as if references in that Act” wherever occurring.

Insert instead “Part 5 of Chapter 4 of the *Criminal Procedure Act 1986* as if references in that Part”.

[30] Section 51 (5) (b) (ii)

Omit “referred to in section 5 (1) of that Act”.

Insert instead “from a decision of the Supreme Court in summary proceedings”.

[31] Section 51 (5) (c)

Omit “the *Supreme Court (Summary Jurisdiction) Act 1967*”.

Insert instead “Part 5 of Chapter 4 of the *Criminal Procedure Act 1986*”.

[32] Section 53 Definitions

Omit the definition of *registrar*.

[33] Section 53N Appeals

Omit section 53N (1). Insert instead:

- (1) An appeal against:
 - (a) a Local Court's determination of an objection under section 53D with respect to a forfeiture order, or
 - (b) a Local Court's determination of an application under section 53L with respect to a forfeiture order,may be made to the District Court under Part 3 of the *Crimes (Local Courts Appeal and Review) Act 2001* as if that determination were a determination of a court attendance notice under Part 2 of Chapter 4 of the *Criminal Procedure Act 1986*.
- (1A) The *Crimes (Local Courts Appeal and Review) Act 2001* applies to an appeal arising under subsection (1) with such modifications as are made by or in accordance with the regulations under that Act.

[34] Section 53N (2)

Omit "clerk". Insert instead "registrar".

[35] Section 56 False statements in acknowledgments

Omit "by any Local Court constituted by a Magistrate sitting alone" from section 56 (3).

Insert instead "summarily by a Local Court".

[36] Section 58 Indemnification of agreeing parties

Omit "Division 3 of Part 2" from section 58 (4).

Insert instead "Chapter 5".

[37] Section 60 Evidence

Omit "clerk" from section 60 (3) (c).

Insert instead "registrar".

[38] Section 65 Provisions as to warrants or court attendance notices

Omit “the *Justices Act 1902*”.

Insert instead “Chapter 4 of the *Criminal Procedure Act 1986*”.

[39] Section 65

Omit “summons” wherever occurring.

Insert instead “court attendance notice”.

[40] Section 66 Contraventions of this Act by police officers

Omit “*Police Regulation (Allegations of Misconduct) Act 1978*” from section 66 (2) (a).

Insert instead “*Police Integrity Commission Act 1996*”.

2.22 Banana Industry Act 1987 No 66

Section 29 Proceedings for offences

Omit “constituted by a Magistrate sitting alone”.

2.23 Bills of Sale Act 1898 No 10

Section 4A Accidental misdescription etc not to invalidate

Omit “justice”. Insert instead “Magistrate”.

2.24 Births, Deaths and Marriages Registration Act 1995 No 62

Section 63 Proceedings for offences

Omit “constituted by a Magistrate sitting alone”.

2.25 Boxing and Wrestling Control Act 1986 No 11

Section 71 Proceedings for offences

Omit “constituted by a Magistrate sitting alone”.

2.26 Broken Hill to South Australian Border Railway Agreement Act 1968 No 59

Section 8 Provisions relating to control and management of Railway

Omit “stipendiary magistrate or any two justices of the peace in petty sessions” from section 8 (5) (b).

Insert instead “Local Court”.

2.27 Building and Construction Industry Long Service Payments Act 1986 No 19

Section 64 Proceedings for offences

Omit “constituted by a Magistrate sitting alone” from section 64 (1).

2.28 Business Names Act 1962 No 11

Section 28 Default penalty

Omit “constituted by a Magistrate sitting alone” from section 28 (3).

2.29 Casino Control Act 1992 No 15

[1] Section 96 Proof of age may be required

Omit “justice” from section 96 (4).

Insert instead “Magistrate or authorised officer within the meaning of the *Criminal Procedure Act 1986*”.

[2] Section 168 Prosecution for offences

Omit “constituted by a Magistrate sitting alone” from section 168 (1).

2.30 Catchment Management Act 1989 No 235

Section 62 Proceedings for offences

Omit “constituted by a Magistrate sitting alone” from section 62 (1).

2.31 Centennial Park and Moore Park Trust Act 1983 No 145

[1] Section 25 Proceedings for offences

Omit “constituted by a Magistrate sitting alone” from section 25 (1).

[2] Section 25 (2)

Omit “by information laid”.

2.32 Charitable Fundraising Act 1991 No 69

Section 50 Proceedings for offences

Omit “constituted by a Magistrate sitting alone” from section 50 (1).

2.33 Child Protection (Offenders Registration) Act 2000 No 42

[1] Section 3 Definitions

Omit “Justice exercising functions under the *Justices Act 1902*” from the definition of *court* in section 3 (1).

Insert instead “Magistrate exercising functions under the *Criminal Procedure Act 1986*”.

[2] Section 21 Proceedings for offences

Omit “constituted by a Magistrate sitting alone”.

2.34 Child Protection (Prohibited Employment) Act 1998 No 147

Section 13 Proceedings for offences

Omit “constituted by a Magistrate sitting alone”.

2.35 Children and Young Persons (Care and Protection) Act 1998 No 157

[1] Section 109 Application of Criminal Procedure Act 1986 to secure attendance of witnesses and other persons and the production of documents

Omit “*Justices Act 1902* relating to warrants and summonses for the attendance of witnesses in proceedings before justices”.

Insert instead “*Criminal Procedure Act 1986* relating to warrants and subpoenas for the attendance of witnesses in proceedings before a Local Court”.

[2] Section 259 Proceedings for offences

Omit “constituted by a Magistrate sitting alone” from section 259 (1).

[3] Section 259 (2)

Omit “Part 9A”. Insert instead “Chapter 5”.

2.36 Children (Care and Protection) Act 1987 No 54

[1] Section 121 Proceedings for offences

Omit “constituted by a Magistrate sitting alone” from section 121 (1).

[2] Section 121 (2)

Omit “Division 3 of Part 2”. Insert instead “Chapter 5”.

[3] Section 122 Evidence of young children

Omit “section 111” wherever occurring in section 122 (1) and (2).
Insert instead “section 284”.

[4] Section 123 Procedural matters

Omit “complaint or information made or laid” from section 123 (3).
Insert instead “court attendance notice issued”.

2.37 Children (Community Service Orders) Act 1987 No 56

[1] Section 3 Definitions

Omit paragraphs (b) and (c) of the definition of *authorised justice* in section 3 (1).

Insert instead:

- (b) an authorised officer within the meaning of the *Criminal Procedure Act 1986*.

[2] Section 23 Issue of court attendance notice or warrant

Omit “summons” wherever occurring in section 23 (1).
Insert instead “court attendance notice”.

[3] Section 24 Breach of requirements

Omit “section 56 (1) of the *Justices Act 1902*” from section 24 (3).
Insert instead “section 179 of the *Criminal Procedure Act 1986*”.

[4] Section 25 Issue of court attendance notice or warrant—failure to comply with children’s community service orders made by court

Omit “summons” from section 25 (1).
Insert instead “court attendance notice”.

[5] Section 25 (3)

Omit “complaint or summons”.
Insert instead “court attendance notice”.

[6] Section 28 Subsequent dealing—children’s community service orders to be taken into account

Omit “Part 5A of the *Justices Act 1902*” from section 28 (2) (a).
Insert instead “Part 3 of the *Crimes (Local Courts Appeal and Review) Act 2001*”.

[7] Section 28A Disclosure of information

Omit “constituted by a Magistrate sitting alone” from section 28A (2).

2.38 Children (Criminal Proceedings) Act 1987 No 55

[1] Section 3 Definitions

Omit the definition of *attendance notice* from section 3 (1).

[2] Section 3 (1), definition of “authorised justice”

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

- (b) an authorised officer within the meaning of the *Criminal Procedure Act 1986*.

[3] Section 3 (1), definition of “court”

Omit the definition.

[4] Section 3 (1), definition of “court attendance notice”

Insert in alphabetical order:

court attendance notice means a court attendance notice issued under Division 1 of Part 2 of Chapter 4 of the *Criminal Procedure Act 1986*.

[5] Section 7 Jurisdiction of Children’s Court not to be exercised by certain other courts

Omit “neither a Local Court nor a justice or justices may” from section 7 (1).

Insert instead “a Local Court may not”.

[6] Section 8 Commencement of proceedings

Omit “summons or attendance notice” wherever occurring.

Insert instead “court attendance notice”.

[7] Section 8 (3)

Omit the subsection.

[8] Section 9 Expedition where child in custody

Omit “summons or attendance notice” from section 9 (1).

Insert instead “court attendance notice”.

[9] Section 21 Rights of appeal where person remitted for sentence

Omit “Part 5A of the *Justices Act 1902*” from section 21 (3).

Insert instead “Part 3 of the *Crimes (Local Courts Appeal and Review) Act 2001*”.

[10] Section 27 Application of Criminal Procedure Act 1986 and other Acts

Omit “, Magistrates or justices” from section 27 (1).

Insert instead “or Magistrates”.

[11] Section 27 (2)

Omit “*Justices Act 1902* applies”.

Insert instead “provisions of the *Criminal Procedure Act 1986* that apply to Local Courts and any criminal proceedings before a Local Court apply”.

[12] Section 31 Hearing of charges in the Children’s Court

Omit “section 41 (subsections (1) and (1A) excepted) of the *Justices Act 1902* in the same way as if an information had been laid before the Children’s Court in accordance with section 21 of that Act” wherever occurring in section 31 (2) and (3).

Insert instead “Divisions 2–4 (other than sections 60 and 61) of Part 2 of Chapter 3 of the *Criminal Procedure Act 1986* in the same way as if a court attendance notice had been issued in accordance with that Act”.

[13] Section 31 (3)

Omit “section 41 (2) (b)”. Insert instead “section 62”.

[14] Section 31 (5)

Omit “section 51A of the *Justices Act 1902*”.

Insert instead “Division 5 of Part 2 of Chapter 3 of the *Criminal Procedure Act 1986*”.

[15] Section 33 Penalties

Omit “section 126” from section 33 (5) (c). Insert instead “section 43”.

[16] Section 41 Enforcement of conditions of good behaviour bond or probation or compliance with outcome plan

Omit “summons” wherever occurring.

Insert instead “court attendance notice”.

[17] Section 42

Omit the section.

[18] Section 49 Proceedings for offences

Omit “constituted by a Magistrate sitting alone” from section 49 (1).

[19] Section 50A Procedures for remitting cases from one court to another

Omit “clerk” from section 50A (1) (b). Insert instead “registrar”.

[20] Schedule 2 Savings and transitional provisions

Insert at the end of clause 1 (1):

Justices Legislation Repeal and Amendment Act 2001, but only to the extent that it amends this Act

2.39 Children (Detention Centres) Act 1987 No 57

[1] Section 3 Definitions

Omit paragraph (b) of the definition of *authorised justice* in section 3 (1).

Insert instead:

(b) an authorised officer within the meaning of the *Criminal Procedure Act 1986*.

[2] Section 41 Proceedings for offences

Omit “constituted by a Magistrate sitting alone”.

2.40 Children (Protection and Parental Responsibility) Act 1997 No 78

[1] Section 12 Ancillary provisions

Omit section 12 (2).

[2] Section 12 (3)

Omit “the *Justices Act 1902*”.

Insert instead “Parts 3 and 4 of Chapter 4 of the *Criminal Procedure Act 1986*”.

[3] Section 12 (3)

Omit “and summonses”. Insert instead “and subpoenas”.

[4] Section 12 (3)

Omit “justices”. Insert instead “a Local Court”.

[5] Section 45 Proceedings for offences

Omit “constituted by a Magistrate sitting alone”.

2.41 Chiropractors Act 2001 No 15

Section 131 Proceedings for offences

Omit “constituted by a Magistrate sitting alone” from section 131 (1).

2.42 Classification (Publications, Films and Computer Games) Enforcement Act 1995 No 63

Section 57 Summary procedure for offences

Omit “constituted by a Magistrate sitting alone” from section 57 (1) (a).

2.43 Coal Acquisition Act 1981 No 109

Section 8 Proceedings for offences

Omit “constituted by a Magistrate sitting alone”.

2.44 Coal and Oil Shale Mine Workers (Superannuation) Act 1941 No 45

Section 30 Recovery of penalties

Omit “constituted by a Magistrate sitting alone” from section 30 (1).

2.45 Coal Industry Act 1946 No 44

Section 60 Proceedings for offences

Omit “constituted by a Magistrate sitting alone”.

2.46 Coal Mines Regulation Act 1982 No 67

[1] Section 152 Jurisdiction of court

Omit section 152 (3). Insert instead:

- (3) An offence against Division 2 of Part 4 is to be dealt with by a court in accordance with the provisions of Part 5 of Chapter 4 of the *Criminal Procedure Act 1986*.

[2] Section 156 Where proceedings taken

Omit “constituted by a Magistrate sitting alone” from section 156 (1).

2.47 Coastal Protection Act 1979 No 13

Section 59 Proceedings for offences

Omit “constituted by a Magistrate sitting alone”.

2.48 Commercial Agents and Private Inquiry Agents Act 1963 No 4

[1] Section 10 Application for licences

Omit “clerk” wherever occurring. Insert instead “registrar”.

[2] Section 10 (10)

Omit “by that court only when it is constituted by a Magistrate sitting”.

[3] Section 11 Cancellation of licence

Omit “constituted by a magistrate” from section 11 (1).

[4] Sections 11 (4), 12 (3) and (7), 15, 16 (2), 24, 35 (1), 36 (1) and 37 (1)

Omit “clerk” wherever occurring. Insert instead “registrar”.

[5] Section 30 Jurisdiction of Local Courts

Omit section 30 (1).

[6] Section 30 (2)

Omit “constituted by a magistrate sitting alone”.

[7] Section 40 Offences against Act

Omit “constituted by a magistrate sitting alone” from section 40 (3).

[8] Section 40 (4)

Omit “*Justices Act 1902*”. Insert instead “*Criminal Procedure Act 1986*”.

2.49 Commercial Vessels Act 1979 No 41

[1] Section 30P Emergency suspension of certificate

Omit “stipendiary magistrate” from section 30P (1) wherever occurring.
Insert instead “Magistrate”.

[2] Section 32 Marine Appeals Tribunal

Omit “stipendiary magistrate nominated by the Minister administering the
Justices Act 1902” from section 32 (2) (a).
Insert instead “Magistrate nominated by the Minister administering the
Local Courts Act 1982”.

[3] Section 51 Penalties

Omit “clerk” from section 51 (3) wherever occurring.
Insert instead “registrar”.

[4] Section 51A Proceedings for offences

Omit section 51A (1) (a). Insert instead:

(a) before a Local Court, or

[5] Section 51A (2)

Omit “court of petty sessions”. Insert instead “Local Court”.

[6] Section 51A (2)

Omit “that the court may impose”.

Insert instead “that the Local Court may impose”.

2.50 Commission for Children and Young People Act 1998 No 146

Section 49 Proceedings for offences

Omit “constituted by a Magistrate sitting alone”.

2.51 Commons Management Act 1989 No 13

Section 60 Proceedings for offences

Omit “constituted by a Magistrate sitting alone”.

2.52 Community Land Management Act 1989 No 202

[1] Section 102 Protection of Director-General and Adjudicators

Omit “justice of the peace”. Insert instead “Magistrate”.

[2] Section 108 Appeal to Supreme Court

Omit “Part 5 of the *Justices Act 1902*” from section 108 (2).

Insert instead “Part 5 of the *Crimes (Local Courts Appeal and Review) Act 2001*”.

2.53 Community Services (Complaints, Reviews and Monitoring) Act 1993 No 2

Sections 84 (6) (a) and 122

Omit “constituted by a Magistrate sitting alone” wherever occurring.

2.54 Community Welfare Act 1987 No 52

Section 77 Proceedings for offences

Omit “constituted by a Magistrate sitting alone”.

2.55 Companion Animals Act 1998 No 87

[1] Section 41 Appeal against decision of council

Omit “constituted by a Magistrate sitting alone” from section 41 (1).

[2] Section 93 Proceedings for offences

Omit “constituted by a Magistrate sitting alone”.

2.56 Confiscation of Proceeds of Crime Act 1989 No 90

[1] Section 4 Definitions

Omit section 4 (2). Insert instead:

- (2) A reference in this Act to a person being charged with an offence is a reference to a person being issued with a court attendance notice.

[2] Section 38 Search and arrest of persons pursuant to warrants

Omit “justice of the peace” from section 38 (b).

Insert instead “Magistrate or authorised officer within the meaning of the *Criminal Procedure Act 1986*”.

[3] Section 74 Proceedings for offences

Omit “constituted by a Magistrate sitting alone” from section 74 (1).

[4] Section 94 Notices

Omit section 94 (5).

2.57 Consumer Credit Administration Act 1995 No 69

Section 43 Disposal of proceedings for offence

Omit “constituted by a Magistrate sitting alone” wherever occurring in section 43 (1) (a) and (2).

2.58 Consumer Credit (New South Wales) Act 1995 No 7

Section 12 Proceedings for offences against the Code or regulations

Omit “constituted by a Magistrate sitting alone”.

2.59 Contaminated Land Management Act 1997 No 140

[1] Section 92 Proceedings for other offences

Omit “constituted by a Magistrate sitting alone” from section 92 (1) (a).

[2] Section 93 Time for commencing proceedings

Omit “information or application” from section 93 (3) wherever occurring.
Insert instead “court attendance notice”.

[3] Section 93 (4)

Omit “*Justices Act 1902*”.
Insert instead “*Criminal Procedure Act 1986*”.

2.60 Contracts Review Act 1980 No 16

Section 18 Offence

Omit “constituted by a Magistrate sitting alone” from section 18 (2).

2.61 Contractors Debts Act 1997 No 110

Section 20 Proceedings for offences

Omit “constituted by a Magistrate sitting alone”.

2.62 Conveyancers Licensing Act 1995 No 57

Section 89 Proceedings for offences

Omit “constituted by a Magistrate sitting alone” from section 89 (1).

2.63 Conveyancing Act 1919 No 6

[1] Section 66Y Operation of Division 8

Omit “may only be brought before a Local Court constituted by a Magistrate sitting alone” from section 66Y (7).
Insert instead “may be brought before a Local Court”.

[2] Section 184D Registration of instruments

Omit “Magistrate sitting as a” from section 184D (7).

[3] Section 197 Official searches

Omit “constituted by a Magistrate sitting alone” from section 197 (8).

[4] Section 202 General rules under this Part as to registration and fees

Omit “constituted by a Magistrate sitting alone” from section 202 (5).

2.64 Co-operatives Act 1992 No 18

[1] Section 435 Proceedings for offences etc

Omit “constituted by a Magistrate” from section 435 (2) (a).

[2] Section 435 (4)

Omit “constituted by a Magistrate sitting alone”.

2.65 Copyright Act 1879, 42 Vic No 20

Section 7 Penalty for default in delivering copies for use of library

Omit “any two Justices of the Peace”. Insert instead “a Local Court”.

2.66 Coroners Act 1980 No 27

[1] Section 4 Definitions

Omit the definition of *deposition* from section 4 (1).

[2] Section 4, definition of “justice”

Omit the definition.

[3] Section 6A Vacation of office of coroners and assistant coroners

Omit “Local Courts Administration, Department of Courts Administration” wherever occurring in section 6A (2).

Insert instead “Attorney General’s Department”.

[4] Section 7 Oath of allegiance for coroners and assistant coroners

Omit “justice” from section 7 (2). Insert instead “Magistrate”.

[5] Section 16 Cases where a coroner is not bound to hold an inquest or inquiry

Omit “clerk” wherever occurring in section 16 (1) (b).

Insert instead “registrar”.

[6] Section 20 Further inquest or inquiry after previous inquest or inquiry terminated under section 19

Omit “section 51A of the *Justices Act 1902*” from section 20 (1) (a) (i).

Insert instead “Division 5 of Part 2 of Chapter 3 of the *Criminal Procedure Act 1986*”.

[7] Section 20 (1) (a) (iii)

Omit the subparagraph. Insert instead:

- (iii) a Magistrate orders that the person be discharged from proceedings with respect to the offence, or

[8] Section 34 Evidence

Omit section 34 (1) and (2). Insert instead:

- (1) The evidence of every witness at an inquest or inquiry must be recorded by a means prescribed for the purposes of this Act by the Local Court Rule Committee under the *Criminal Procedure Act 1986*.

[9] Section 34 (4) (b)

Omit the paragraph. Insert instead:

- (b) pays a fee calculated at the rate prescribed for the provision of copies of transcripts of evidence given in Local Courts,

[10] Section 34 (4) and (5)

Omit “clerk” wherever occurring. Insert instead “registrar”.

[11] Section 34A Documentary evidence

Omit “Divisions 4 and 5 of Part 4”.
Insert instead “Parts 3 and 4 of Chapter 6”.

[12] Section 41 Form of warrant

Omit section 41 (4). Insert instead:

- (4) A person apprehended under a warrant may be dealt with in the same way as a witness arrested under a warrant issued under section 231 of the *Criminal Procedure Act 1986*.

[13] Section 43

Omit the section. Insert instead:

43 Contempt

Sections 27A and 27B of the *Local Courts Act 1982* apply to an inquest or inquiry in the same way as they apply to proceedings before a Local Court.

[14] Section 54 Penalty

Omit “Magistrate or any 2 justices constituting a” from section 54 (2).

2.67 Costs in Criminal Cases Act 1967 No 13

[1] Sections 2 and 3 (1)

Omit “Justice or Justices” wherever occurring.
Insert instead “Magistrate”.

[2] Section 3A Evidence of further relevant facts may be adduced

Omit “Justice or Justices” from section 3A (1) and where firstly occurring
in section 3A (2).
Insert instead “Magistrate”.

[3] Section 3A (2) (b)

Omit “, Justice or Justices”. Insert instead “or Magistrate”.

2.68 Country Industries (Pay-roll Tax Rebates) Act 1977 No 79

Section 13 Proceedings

Omit “constituted by a Magistrate sitting alone”.

2.69 Credit Act 1984 No 94

[1] Section 6 Jurisdiction of courts and Tribunal

Omit “constituted by a Magistrate sitting alone” from section 6 (1) (c) (ii).

[2] Section 159B Proceedings for offence

Omit “constituted by a Magistrate sitting alone” from section 159B (1) (a)
and (2) wherever occurring.

2.70 Credit (Finance Brokers) Act 1984 No 96

Section 18 Disposal of proceedings

Omit “constituted by a Magistrate sitting alone”.

2.71 Credit (Home Finance Contracts) Act 1984 No 97

Section 14 Disposal of proceedings

Omit “constituted by a Magistrate sitting alone” from section 14 (1) (a) and (2) wherever occurring.

2.72 Crimes Act 1900 No 40

[1] Section 4 Definitions

Insert in alphabetical order in section 4 (1):

Authorised officer has the same meaning as it has in the
Criminal Procedure Act 1986.

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

Omit the definition.

[3] Section 4 (5)

Omit the subsection.

[4] Section 6 Month

Omit “or Justice”.

[5] Section 58 Assault with intent to commit a serious indictable offence on certain officers

Omit “Justice,”.

[6] Section 351 Trial and punishment of abettors of minor indictable offences

Insert “may be proceeded against and convicted together with or before or after the conviction of the principal offender and” after “statute,”.

[7] Section 351B

Insert after section 351A:

351B Aiders and abettors punishable as principals

- (1) Every person who aids, abets, counsels or procures the commission of any offence punishable on summary conviction may be proceeded against and convicted together with or before or after the conviction of the principal offender.
- (2) On conviction any such person is liable to the penalty and punishment to which the principal offender is liable.
- (3) This section applies to offences committed before or after the commencement of this section.
- (4) This section applies to an indictable offence that is being dealt with summarily.

[8] Section 352 Person in act of committing or having committed an offence

Omit paragraph (b) of the definition of *authorised Justice* in section 352 (5). Insert instead:

- (b) an authorised officer.

[9] Section 352AA Arrest of prisoners unlawfully at large

Omit “Section 64 of the *Justices Act 1902*” from section 352AA (5).

Insert instead “Division 2 of Part 4 of Chapter 4 of the *Criminal Procedure Act 1986*”.

[10] Section 352AA (6) (b)

Omit the paragraph. Insert instead:

- (b) an authorised officer.

[11] Section 352A Power of arrest in cases of certain offences committed outside the State

Omit “*Justices Act 1902*” from section 352A (4) (b) (ii).
Insert instead “*Criminal Procedure Act 1986*”.

[12] Section 353AA Photographing, finger-printing etc children under 14 years of age

Omit “Justice” from section 353AA (3) (b) and (4) wherever occurring.
Insert instead “Local Court”.

[13] Sections 354, 356C, 356V (5)

Omit “justice, Magistrate” wherever occurring.
Insert instead “Magistrate, authorised officer or other person”.

[14] Section 355 Definitions

Omit paragraphs (b) and (c) of the definition of *authorised justice*.
Insert instead:

- (b) an authorised officer, or
- (c) an authorised justice within the meaning of the *Search Warrants Act 1985*.

[15] Section 355 (4)

Omit “a justice”. Insert instead “an authorised officer”.

[16] Section 356C Detention after arrest for purposes of investigation

Omit “*Justices Act 1902*” from section 356C (5).
Insert instead “*Criminal Procedure Act 1986*”.

[17] Section 356E Determining reasonable time

Omit “section 108” from section 356E (2) (g). Insert instead “section 281”.

[18] Section 356F Certain times to be disregarded in calculating investigation period

Omit “section 108” from section 356F (1) (c). Insert instead “section 281”.

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- [19] **Sections 356K (4), 358B (1), 495 (1), 496A (1), 527A, 527B, 527C (1), 545C, 546A, 546B, 546C, 547B (1), 547C, 562I (5), 563 (5), 578A (7) (a), 578B (4) (c), 578C (5), 578E (6)**

Omit “constituted by a Magistrate sitting alone” wherever occurring.

- [20] **Section 357A Powers of search**

Omit “Justice” from section 357A (1) (b).

Insert instead “Magistrate or an authorised officer”.

- [21] **Section 357G Entry by radio/telephone warrant etc where entry denied**

Omit “a Justice employed in Local Courts Administration, Attorney General’s Department” from section 357G (1) (b).

Insert instead “an authorised officer”.

- [22] **Section 417A**

Insert after section 417:

417A Proof of exceptions

- (1) Any exception, exemption, proviso, excuse or qualification to the offence (whether or not it is in the same provision with a description of an offence in an Act or statutory rule or document creating the offence) need not be specified or negated in an indictment or other process commencing proceedings.
- (2) The exception, exemption, proviso, excuse or qualification may be proved by the accused person.
- (3) If the exception, exemption, proviso, excuse or qualification is specified or negated in the indictment, court attendance notice or other process commencing proceedings, the prosecutor is not required to prove it.

- [23] **Section 474A Definitions**

Omit “or a Justice” from the definition of *prescribed person* in section 474A (1).

[24] Section 475A Offences punishable summarily

Omit “an application made under section 4 (1) of the *Supreme Court (Summary Jurisdiction) Act 1967*” from section 475A (1).

Insert instead “Part 5 of Chapter 4 of the *Criminal Procedure Act 1986*”.

[25] Section 475A (2) and (3)

Omit “section 4 (1) of the *Supreme Court (Summary Jurisdiction) Act 1967*” wherever occurring.

Insert instead “section 246 of the *Criminal Procedure Act 1986*”.

[26] Section 475B Election for summary trial

Omit “section 4 (1) of the *Supreme Court (Summary Jurisdiction) Act 1967*” wherever occurring.

Insert instead “section 246 of the *Criminal Procedure Act 1986*”.

[27] Section 475C Effect of certain provisions

Omit “section 33”. Insert instead “section 272”.

[28] Section 476 Indictable offences punishable summarily with consent of accused person

Omit “stipendiary magistrate” from section 476 (1).

Insert instead “Magistrate”.

[29] Section 476 (5) (b)

Omit “section 51A of the *Justices Act 1902*”.

Insert instead “Division 5 of Part 2 of Chapter 3 of the *Criminal Procedure Act 1986*”.

[30] Section 476 (10) and (11)

Omit “section 48A of the *Justices Act 1902*” wherever occurring.

Insert instead “Division 3 of Part 2 of Chapter 3 of the *Criminal Procedure Act 1986*”.

[31] Sections 495 (4), 496 (3), 496A (3), 562C (5)

Omit “section 56 of the *Justices Act 1902*” wherever occurring.
Insert instead “section 179 of the *Criminal Procedure Act 1986*”.

[32] Section 496 Indictable offences punishable summarily without consent of accused: larceny etc

Omit “two justices” from section 496 (1). Insert instead “a Local Court”.

[33] Section 496 (2)

Omit the subsection.

[34] Section 500 Exception from jurisdiction

Omit “shall authorise Justices”. Insert instead “authorises a Local Court”.

[35] Section 502 Possession of skin etc of stolen cattle

Omit “any two Justices”. Insert instead “a Local Court”.

[36] Section 502

Omit “Justices” where secondly occurring. Insert instead “Court”.

[37] Sections 503, 504, 505, 506, 507, 508, 510, 511, 512, 513, 515, 518, 520, 521, 525, 527, 528, 546

Omit “before two Justices” wherever occurring.
Insert instead “by a Local Court”.

[38] Section 509 Restoration of such stolen animals etc

Omit “any Justice”. Insert instead “a Local Court”.

[39] Sections 517, 522, 523, 545D

Omit “two Justices” wherever occurring. Insert instead “a Local Court”.

[40] Section 521A Stealing of rock, stone etc

Omit “before 2 Justices”. Insert instead “by a Local Court”.

[41] Sections 522, 523, 545D

Omit “such Justices” wherever occurring. Insert instead “the Local Court”.

[42] Section 524 Seizure of such goods

Omit “some Justice”. Insert instead “a Magistrate or an authorised officer”.

[43] Section 545A Bogus advertisements

Omit “before two justices” from section 545A (1).

Insert instead “by a Local Court”.

[44] Section 545B Intimidation or annoyance by violence or otherwise

Omit “a Magistrate” from section 545B (1). Insert instead “a Local Court”.

[45] Section 545E Possession of dangerous articles other than firearms

Omit “a Magistrate” from section 545E (1). Insert instead “a Local Court”.

[46] Section 547A False statement respecting births, deaths or marriages

Omit “before two justices” wherever occurring.

Insert instead “by a Local Court”.

[47] Section 562A Definitions

Omit paragraph (b) of the definition of *authorised justice* from section 562A (1).

Insert instead:

(b) an authorised officer.

[48] Section 562AG Non-inclusion of protected person’s residential address in ADVO or complaint for ADVO

Omit “Clerk” from the definition of *court* in section 562AG (3).

Insert instead “registrar”.

[49] Sections 562BBA, 562BBB, 562J, 562S, 562T

Omit “clerk” wherever occurring. Insert instead “registrar”.

[50] Section 562BBA Interim orders made by registrar of court with consent

Omit section 562BBA (7).

[51] Section 562BBB Extension of interim order by registrar of court with consent

Omit section 562BBB (3).

[52] Section 562C Making of complaint for court order

Omit “Justice” wherever occurring in section 562C (1).

Insert instead “Magistrate or authorised officer”.

[53] Section 562H Telephone interim orders

Omit paragraph (b) of the definition of *authorised justice* in section 562H (16).

Insert instead:

- (b) an authorised officer within the meaning of the *Criminal Procedure Act 1986*, or

[54] Section 562H (16), definition of “authorised justice”

Omit “justice of the peace” from paragraph (c).

Insert instead “person”.

[55] Section 562N Costs

Omit “section 81 of the *Justices Act 1902*” from section 562N (1) (b).

Insert instead “Division 4 of Part 2 of Chapter 4 of the *Criminal Procedure Act 1986*”.

[56] Section 562N (4) (b)

Omit “Section 81 of the *Justices Act 1902*”.

Insert instead “Division 4 of Part 2 of Chapter 4 of the *Criminal Procedure Act 1986*”.

[57] Section 562N (4) (c)

Omit “*Justices Act 1902*”. Insert instead “*Criminal Procedure Act 1986*”.

[58] Sections 562NB (6), 562NC (8), 562WB (6)

Omit “Clerk” wherever occurring in the definitions of *court* and *original court*.

Insert instead “registrar”.

[59] Section 562WA

Omit the section. Insert instead:

562WA Review and appeal provisions concerning making, variation or revocation of apprehended violence orders

- (1) A defendant may make an application under Part 2 of the *Crimes (Local Courts Appeal and Review) Act 2001* for the annulment of an apprehended violence order made by a Local Court in the same way as a defendant may make an application under that Part for the annulment of a conviction or sentence arising from a court attendance notice dealt with under Part 2 of Chapter 4 of the *Criminal Procedure Act 1986*.
- (2) A defendant may appeal to the District Court under Part 3 of the *Crimes (Local Courts Appeal and Review) Act 2001* against an apprehended violence order made by a Local Court or the Children’s Court in the same way as a defendant may make an application under that Part against a conviction or sentence arising from a court attendance notice dealt with under Part 3 of Chapter 4 of the *Criminal Procedure Act 1986*.
- (3) In the case of an apprehended violence order made with the consent of the person against whom the order is made, an appeal referred to in subsection (2) may be made only by leave of the District Court.
- (4) A party to an apprehended violence order may appeal to the District Court under Part 3 of the *Crimes (Local Courts Appeal and Review) Act 2001* against any order of a Local Court or the Children’s Court:
 - (a) to vary or revoke the apprehended violence order, or
 - (b) to refuse to vary or revoke the apprehended violence order,

in the same way as a defendant may make an application under that Part against a conviction or sentence arising from a court attendance notice dealt with under Part 2 of Chapter 4 of the *Criminal Procedure Act 1986*.

- (5) The *Crimes (Local Courts Appeal and Review) Act 2001* applies to an application or appeal arising under this section with such modifications as are made by or in accordance with the regulations under that Act.
- (6) For the purposes of this section and the *Crimes (Local Courts Appeal and Review) Act 2001*, an order made by the registrar of a Local Court or the Registrar of the Children's Court is taken to have been made by the Local Court or Children's Court, as the case requires.
- (7) In this section, *party* to an apprehended violence order means:
 - (a) the protected person (whether or not the complainant or applicant), but only if the protected person is of or above the age of 16 years, or
 - (b) if the complainant or applicant was a police officer, that or any other police officer, or
 - (c) the defendant or respondent.

[60] Section 562WB Presumption against stay of order

Omit "section 562WA (3) of this Act and section 127 of the *Justices Act 1902*" from section 562WB (4).

Insert instead "section 562WA of this Act and section 63 of the *Crimes (Local Courts Appeal and Review) Act 2001*".

[61] Section 562Y

Omit the section. Insert instead:

562Y Parts 2 and 3 of Crimes (Local Courts Appeal and Review) Act 2001

Except as expressly provided by this Act, nothing in this Part affects the operation that Parts 2 and 3 of the *Crimes (Local Courts Appeal and Review) Act 2001* would have if Division 4 of this Part had not been enacted.

[62] Section 579 Evidence of proceedings dealt with by way of recognizance after 15 years

Omit “(otherwise than under section 82 of the *Justices Act 1902* as amended by subsequent Acts)” from section 579 (1) (b) (ii).

2.73 Crimes (Administration of Sentences) Act 1999 No 93

[1] Section 3 Interpretation

Omit the definition of *Visiting Justice* from section 3 (1).

Insert instead:

Visiting Magistrate means a Visiting Magistrate appointed under section 227.

[2] Section 54 Reference of offences to Visiting Magistrate

Omit “Visiting Justice” wherever occurring.

Insert instead “Visiting Magistrate”.

[3] Section 55 Hearing of charges by Visiting Magistrate

Omit “Visiting Justice” wherever occurring.

Insert instead “Visiting Magistrate”.

[4] Section 55 (2) (a)

Omit the paragraph. Insert instead:

- (a) the *Criminal Procedure Act 1986* applies to and in respect of the proceedings in the same way as it applies to and in respect of proceedings on a court attendance notice issued for a summary offence before a Local Court, and

[5] Section 55 (3)

Omit “Division 2 of Part 4 of the *Justices Act 1902*”.

Insert instead “the *Criminal Procedure Act 1986*”.

[6] Section 56 Penalties Visiting Magistrate may impose

Omit “Visiting Justice” wherever occurring.
Insert instead “Visiting Magistrate”.

[7] Section 57 Drug tests for inmates

Omit “Visiting Justice” wherever occurring in section 57 (2) and (3).
Insert instead “Visiting Magistrate”.

[8] Section 58 Certain offences may be dealt with by Local Court

Omit “Visiting Justice” wherever occurring.
Insert instead “Visiting Magistrate”.

[9] Section 59 Compensation for property damage

Omit “Visiting Justice” from section 59 (1).
Insert instead “Visiting Magistrate”.

[10] Section 62 Appeals against decisions of Visiting Magistrates

Omit section 62 (1) and (2). Insert instead:

- (1) An appeal against a penalty imposed by a Visiting Magistrate under section 56 (1) (e) may be made to the District Court under Part 3 of the *Crimes (Local Courts Appeal and Review) Act 2001* as if that penalty were a sentence arising from a court attendance notice dealt with under Part 2 of Chapter 4 of the *Criminal Procedure Act 1986*.
- (2) The *Crimes (Local Courts Appeal and Review) Act 2001* applies to an appeal arising under subsection (1) with such modifications as are made by or in accordance with the regulations under that Act.

[11] Sections 62 (4) and 63 (1)

Omit “Visiting Justice” wherever occurring.
Insert instead “Visiting Magistrate”.

[12] Section 65 Offences may be dealt with by governor of any correctional centre

Omit “Visiting Justice”. Insert instead “Visiting Magistrate”.

[13] Section 116 Summonses and warrants for attendance

Omit “authorised justice” wherever occurring in section 116 (2) and (3).
Insert instead “authorised officer”.

[14] Section 116 (4)

Omit the subsection. Insert instead:

(4) In this section:

authorised officer has the same meaning as it has in the
Criminal Procedure Act 1986.

[15] Section 227 Visiting Magistrates

Omit “Visiting Justice” wherever occurring.
Insert instead “Visiting Magistrate”.

[16] Section 230 Special Inquiries

Omit “Visiting Justice” from section 230 (2).
Insert instead “Visiting Magistrate”.

[17] Section 266 Proceedings for offences

Omit “constituted by a Magistrate sitting alone”.

2.74 Crimes (Forensic Procedures) Act 2000 No 59

[1] Section 3 Interpretation

Omit the Note to the definition of *authorised justice* in section 3 (1).
Insert instead:

Note. *Authorised justice* is defined in section 3 of the *Search Warrants Act 1985* to mean:

(a) a Magistrate, or

-
- (b) a registrar of a Local Court or the registrar of the Drug Court, or
 - (c) a person who is employed in the Attorney General's Department and who is declared (whether by name or by reference to the holder of a particular office), by the Attorney General by instrument in writing or by order published in the Gazette, to be an authorised justice for the purposes of that Act.

[2] Section 3 (1), definition of “suspect”

Omit paragraph (d).

[3] Section 115A

Insert before section 116:

115A Appeals from forensic procedure orders made by Magistrate

- (1) An appeal against an order made by a Magistrate under this Act authorising the carrying out of a forensic procedure on a person may be made to the Supreme Court under Part 5 of the *Crimes (Local Courts Appeal and Review) Act 2001* as if the order were a sentence arising from a court attendance notice dealt with under Part 2 of Chapter 4 of the *Criminal Procedure Act 1986*.
- (2) An appeal against a Magistrate's refusal to make an order under this Act authorising the carrying out of a forensic procedure on a person may be made to the Supreme Court under Part 5 of the *Crimes (Local Courts Appeal and Review) Act 2001* as if the refusal were an order dismissing a matter under Part 2 of Chapter 4 of the *Criminal Procedure Act 1986*.
- (3) The *Crimes (Local Courts Appeal and Review) Act 2001* applies to an appeal arising under this section with such modifications as are made by or in accordance with the regulations under that Act.

[4] Section 117 Proceedings for offences

Omit “constituted by a Magistrate sitting alone”.

2.75 Crimes (Sentencing Procedure) Act 1999 No 92

[1] Section 3 (1) Interpretation

Insert in alphabetical order in section 3 (1):

authorised officer has the same meaning as it has in the *Criminal Procedure Act 1986*.

[2] Section 3 (1), definition of “Local Court”

Omit “, and includes a justice or justices exercising jurisdiction under the *Justices Act 1902*”.

[3] Section 25 Local Court not to impose certain penalties if offender is absent

Omit “authorised justice” from section 25 (2).

Insert instead “authorised officer”.

[4] Section 25 (4)

Omit the definition of *authorised justice*.

[5] Section 34 Ancillary orders relating to offences taken into account

Insert “destruction,” after “forfeiture,” in section 34 (4).

[6] Section 43 Court may reopen proceedings to correct sentencing errors

Insert “destruction,” after “forfeiture,” in paragraph (e) of the definition of *impose a penalty* in section 43 (6).

[7] Section 62 Warrant of commitment

Omit “a justice” from section 62 (2). Insert instead “an authorised officer”.

[8] Section 73 Warrant of commitment

Omit “a justice” from section 73 (2). Insert instead “an authorised officer”.

[9] Section 95 Good behaviour bonds

Omit “or clerk” from section 95 (b) (ii).

[10] Section 98 Proceedings for breach of good behaviour bond

Omit “authorised justice” wherever occurring.
Insert instead “authorised officer”.

[11] Section 98 (4)

Omit the subsection.

2.76 Criminal Appeal Act 1912 No 16

[1] Section 2 Definitions

Omit the definition of *Justice* from section 2 (1).

[2] Section 2 (1), definition of “Sentence”

Omit paragraph (h). Insert instead:

- (h) any order for the payment of costs made by the court of trial in respect of a person under Part 6 of Chapter 4 of the *Criminal Procedure Act 1986*,

[3] Section 5AD Appeals as to related summary offences in criminal cases dealt with by the Supreme Court or the District Court

Omit “Division 4 of Part 2” from section 5AD (1).
Insert instead “Division 7 of Part 3 of Chapter 3”.

[4] Section 5C Appeal against quashing of an indictment

Omit “section 4 (1) of the *Supreme Court (Summary Jurisdiction) Act 1967*” wherever occurring.
Insert instead “section 246 (1) of the *Criminal Procedure Act 1986*”.

[5] Section 5DB Appeals by Crown against sentences for related summary offences in criminal cases dealt with by Supreme Court or District Court

Omit “Division 4 of Part 2” from section 5DB (1).
Insert instead “Division 7 of Part 3 of Chapter 3”.

[6] Section 5F Appeal against interlocutory judgment or order

Omit “section 51A of the *Justices Act 1902*” from section 5F (1) (b).
Insert instead “Division 5 of Part 2 of Chapter 3 of the *Criminal Procedure Act 1986*”.

[7] Section 5F (3) (b)

Omit “, justice, justices”.

[8] Section 5F (7)

Omit “Part 5 of the *Justices Act 1902*”.
Insert instead “Part 5 of the *Crimes (Local Courts Appeal and Review) Act 2001*”.

[9] Section 8A Power of court to order committal proceedings to be continued in certain cases

Omit “subsection (7) of section 51A of the *Justices Act 1902*, as amended by subsequent Acts” from section 8A (1).
Insert instead “section 105 (2) of the *Criminal Procedure Act 1986*”.

[10] Section 8A

Omit “justice or justices” wherever occurring.
Insert instead “Magistrate”.

[11] Section 8A (2)

Omit “section 34 of the *Justices Act 1902* as amended by subsequent Acts”.
Insert instead “section 41 of the *Criminal Procedure Act 1986*”.

[12] Section 8A (2)

Omit “the said section 34”. Insert instead “section 41 of that Act”.

[13] Section 12 Supplemental powers of the court

Omit “, or justice,” from section 12 (1) (b).

[14] Section 17 Costs of appeal

Omit “*Justices Act 1902*” from section 17 (2).
Insert instead “*Criminal Procedure Act 1986*”.

2.77 Criminal Assets Recovery Act 1990 No 23

Section 53 Proceedings for offences

Omit “constituted by a Magistrate sitting alone” from section 53 (1).

2.78 Criminal Records Act 1991 No 8

[1] Section 16 Proceedings before courts

Omit “section 86” from section 16 (3). Insert instead “section 152”.

[2] Section 24 Proceedings for offences

Omit “constituted by a Magistrate sitting alone”.

2.79 Crown Lands Act 1989 No 6

[1] Section 157 Compensation

Omit section 157 (3). Insert instead:

- (3) An order under this section is taken to be a fine for the purposes of the *Fines Act 1996*.

[2] Section 159 Removal of trespassers from public land

Omit section 159 (1). Insert instead:

- (1) An authorised person may issue to a person, and file in a Local Court, an application notice:
- (a) alleging that the person is in unlawful occupation of public land or is unlawfully using public land, and

- (b) requiring the person to appear before the Local Court at a specified date, time and place.

[3] Section 159 (3)

Omit “a summons” where firstly occurring.
Insert instead “an application notice”.

[4] Section 159 (3)

Omit “a summons” where secondly occurring. Insert instead “the notice”.

[5] Section 159 (3)

Omit “information”. Insert instead “notice”.

[6] Section 159 (4)

Omit “an information”.
Insert instead “the matters alleged in an application notice”.

[7] Section 175 Proceedings for offences

Omit “constituted by a Magistrate sitting alone”.

[8] Schedule 2 Powers and procedures of local land boards

Omit clause 3 (c).

[9] Schedule 2, clause 3 (j)

Omit “conviction for the purposes of the *Justices Act 1902*”.
Insert instead “fine for the purposes of the *Fines Act 1996*”.

2.80 Dairy Industry Act 2000 No 54

Section 19 Nature of proceedings for offences

Omit “constituted by a Magistrate sitting alone”.

2.81 Dams Safety Act 1978 No 96

Section 31 Proceedings for offences

Omit “constituted by a Magistrate sitting alone”.

2.82 Dangerous Goods Act 1975 No 68

[1] Section 4 Definitions

Omit “constituted by a Magistrate” from the definition of *court*.

[2] Section 33 Proceedings for offences

Omit “constituted by a Magistrate” from section 33 (1) (b).

2.83 Dentists Act 1989 No 139

Section 66 Proceedings for offences

Omit “constituted by a Magistrate sitting alone” from section 66 (1).

2.84 Director of Public Prosecutions Act 1986 No 207

[1] Section 3 Definitions

Omit “Part 5, 5A or 5B of the *Justices Act 1902*” from paragraph (a) of the definition of *appeal* in section 3 (1).

Insert instead “Part 3, 4 or 5 of the *Crimes (Local Courts Appeal and Review) Act 2001*”.

[2] Section 3 (1), definition of “committal proceedings”

Omit “(or one or more justices)”.

[3] Section 3 (1), definition of “justice”

Omit the definition.

[4] Section 10 Director to inform court etc when taking over proceedings

Omit “or justice” where firstly occurring in section 10 (1).

[5] Section 10 (1) (b) (ii)

Omit “Judge, Magistrate or justice” wherever occurring.
Insert instead “Judge or Magistrate”.

2.85 District Court Act 1973 No 9

[1] Section 18G Registrars

Omit “Clerk” wherever occurring. Insert instead “registrar”.

[2] Section 18I Assistant registrars

Omit “Clerk” wherever occurring. Insert instead “registrar”.

[3] Section 18K Temporary appointment of registrars and assistant registrars

Omit “Clerk” from section 18K (6). Insert instead “registrar”.

[4] Section 153 Proceedings for offences

Omit “held before a Magistrate sitting alone” from section 153 (1).

[5] Section 166 Criminal jurisdiction of the Court

Omit “section 11 (2)” from section 166 (2). Insert instead “section 46”.

[6] Section 174 General provisions as to sittings

Omit “any justice of the peace may adjourn the sitting to such time as the justice deems convenient” from section 174 (2).
Insert instead “a registrar may adjourn the sitting to another time”.

[7] Section 176

Insert after section 175:

176 No proceedings in the nature of certiorari

No adjudication on appeal of the District Court is to be removed by any order into the Supreme Court.

[8] Section 194 Pending proceedings etc

Omit “section 13” from section 194 (2). Insert instead “section 30”.

2.86 Driving Instructors Act 1992 No 3

[1] Section 33 Procedure on appeal

Omit “constituted by a Magistrate sitting alone” from section 33 (1).

[2] Section 35 Application for prohibition order

Omit “constituted by a Magistrate sitting alone”.

[3] Section 56 Proceedings for offences

Omit “constituted by a Magistrate sitting alone” from section 56 (1).

2.87 Drug Court Act 1998 No 150

[1] Section 4 Definitions

Omit “or Justice” from the definition of *court* in section 4 (1).

[2] Section 4 (2)

Omit “, or by one or more Justices, under the *Justices Act 1902*”.

Insert instead “under the *Criminal Procedure Act 1986*”.

[3] Section 5 Definition of “eligible person”

Omit “Division 3 of Part 2” from section 5 (2) (a).
Insert instead “Chapter 5”.

[4] Section 6 Courts may refer persons to Drug Court

Omit section 6 (3) (a). Insert instead:

- (a) in the case of a Magistrate conducting committal proceedings under the *Criminal Procedure Act 1986*, before the Magistrate has committed the person for trial or sentence in relation to that offence, and

[5] Section 15 Sentences imposed by Drug Court

Omit “Division 3 of Part 2” wherever occurring. Insert instead “Chapter 5”.

[6] Section 18 Application of criminal procedure legislation

Omit “Division 3 of Part 2” from section 18 (2). Insert instead “Chapter 5”.

[7] Section 24 Jurisdiction of Drug Court

Omit “or Justice under the *Justices Act 1902*” from section 24 (2) (b).
Insert instead “under the *Criminal Procedure Act 1986*”.

[8] Section 27 Rules of court

Omit “*Justices Act 1902*” from section 27 (b).
Insert instead “*Criminal Procedure Act 1986*”.

2.88 Drug Misuse and Trafficking Act 1985 No 226

[1] Section 9 Summary prosecution

Omit “constituted by a Magistrate sitting alone”.

[2] Section 22 Indictable prosecution

Omit “section 56 of the *Justices Act 1902*” from section 22 (2).
Insert instead “section 179 of the *Criminal Procedure Act 1986*”.

[3] Sections 30 (2), 31 (2) and 32 (2)

Omit “Division 3 of Part 2” wherever occurring. Insert instead “Chapter 5”.

[4] Section 45 Regulations

Omit “constituted by a Magistrate sitting alone” from section 45 (4).

2.89 Dust Diseases Tribunal Act 1989 No 63

Section 24 Examination de bene esse

Omit “, commissioner for taking affidavits or justice of the peace” from section 24 (1) (a).

Insert instead “or commissioner for affidavits”.

2.90 Education Act 1990 No 8

Section 124 Proceedings for offences

Omit “constituted by a Magistrate sitting alone”.

2.91 Education (Ancillary Staff) Act 1987 No 240

Section 36 Proceedings for offences

Omit “constituted by a Magistrate sitting alone”.

2.92 Election Funding Act 1981 No 78

Section 111 Proceedings for offences

Omit “held before a Magistrate sitting alone” from section 111 (1).

2.93 Electricity (Pacific Power) Act 1950 No 22

[1] Section 95 Recovery of penalties

Omit “Division 3 of Part 2” from section 95 (3). Insert instead “Chapter 5”.

[2] Section 98 Disputes between Commission and public authority or council

Omit “section 152 of the *Justices Act 1902*” from section 98 (3).
Insert instead “sections 27A and 27B of the *Local Courts Act 1982*”.

2.94 Electricity Safety Act 1945 (1946 No 13)

[1] Section 21G Forfeiture of certain electrical articles

Omit “constituted by a Magistrate sitting alone” from section 21G (1).

[2] Section 33 Recovery of penalty

Omit “constituted by a Magistrate sitting alone” from section 33 (1).

2.95 Electricity Supply Act 1995 No 94

Section 102 Proceedings for offences

Omit “constituted by a Magistrate sitting alone” from section 102 (1).

2.96 Employment Agents Act 1996 No 18

Section 30 Summary procedure for offences under this Act or regulations

Omit “constituted by a Magistrate sitting alone” from section 30 (1).

2.97 Employment Protection Act 1982 No 122

Section 19 Summary procedure for offences

Omit “constituted by a Magistrate sitting alone” from section 19 (1) (a).

2.98 Energy Administration Act 1987 No 103

[1] Section 28 Appointment of qualified person to investigate certain industrial matters

Omit section 28 (5) (b). Insert instead:

- (b) sections 27A and 27B of the *Local Courts Act 1982* apply to or in respect of a witness or person summoned by or appearing before a qualified person in the same way as they apply to or in respect of a person appearing before a Local Court.

[2] Section 47 Proceedings for offences

Omit “constituted by a Magistrate sitting alone”.

2.99 Entertainment Industry Act 1989 No 230

Section 63 Proceedings for offences

Omit “constituted by a Magistrate sitting alone” from section 63 (2).

2.100 Environmental Planning and Assessment Act 1979 No 203

[1] Section 127 Proceedings for offences

Omit “constituted by a Magistrate sitting alone” from section 127 (1) and (2) wherever occurring.

[2] Section 127 (3)

Omit “constituted by a Magistrate”.

2.101 Environmentally Hazardous Chemicals Act 1985 No 14

[1] Section 56 Proceedings for offences

Omit “constituted by a Magistrate sitting alone” from section 56 (1).

[2] Section 56 (2)

Omit “*Justices Act 1902*”. Insert instead “*Criminal Procedure Act 1986*”.

2.102 Essential Services Act 1988 No 41

[1] Section 26 Recovery of penalty by appointment of receiver

Omit “the *Justices Act 1902*” from section 26 (3).
Insert instead “any other Act”.

[2] Section 31 Proceedings for offences

Omit “constituted by a Magistrate sitting alone”.

2.103 Evidence Act 1995 No 25

[1] Section 19 Compellability of spouses and others in certain criminal proceedings

Omit “section 104”. Insert instead “section 279”.

[2] Section 126F Application of Division

Omit “Part 13” from section 126F (3).
Insert instead “Division 2 of Part 5 of Chapter 6”.

[3] Section 126G Definitions

Omit “Part 7” wherever occurring.

Insert instead “Division 2 of Part 5 of Chapter 6”.

[4] Section 126H Exclusion of evidence of protected sexual assault communications

Omit “Part 7” from section 126H (2).

Insert instead “Division 2 of Part 5 of Chapter 6”.

[5] Section 196 Proceedings for offences

Omit “constituted by a Magistrate sitting alone”.

2.104 Evidence (Audio and Audio Visual Links) Act 1998 No 105

Section 21 Proceedings for offences

Omit “constituted by a Magistrate sitting alone”.

2.105 Evidence (Children) Act 1997 No 143

Section 9 Ways in which evidence of child may be given

Omit “Subdivision 7A (Written statements in committal proceedings) of Division 1 of Part 4 of the *Justices Act 1902*” from section 9 (2).

Insert instead “Division 3 of Part 2 of Chapter 3 of the *Criminal Procedure Act 1986*”.

2.106 Exhibited Animals Protection Act 1986 No 123

Section 46 Proceedings for offences

Omit “constituted by a Magistrate sitting alone”.

2.107 Exotic Diseases of Animals Act 1991 No 73

Section 71 Prosecution of offences

Omit “constituted by a Magistrate sitting alone” from section 71 (3).

2.108 Fair Trading Act 1987 No 68

Section 63 Disposal of proceedings for offence

Omit “constituted by a Magistrate sitting alone” from section 63 (2) and (3) wherever occurring.

2.109 Fair Trading Tribunal Act 1998 No 161

Section 74 Proceedings for offences

Omit “constituted by a Magistrate sitting alone”.

2.110 Farm Debt Mediation Act 1994 No 91

Section 25 Proceedings for offences

Omit “constituted by a Magistrate sitting alone”.

2.111 Farm Produce Act 1983 No 30

[1] Section 27 Restriction on persons to whom agents may sell consignments

Omit “court of petty sessions” from section 27 (5).
Insert instead “Local Court”.

[2] Section 27 (5)

Omit “*Courts of Petty Sessions (Civil Claims) Act 1970*”.

Insert instead “*Local Courts (Civil Claims) Act 1970*”.

[3] Section 44 Proceedings for offences

Omit “constituted by a Magistrate sitting alone” from section 44 (1).

2.112 Farm Water Supplies Act 1946 No 22

Section 19 Recovery of penalties

Omit “constituted by a Magistrate”.

2.113 Fertilisers Act 1985 No 5

Section 35 Proceedings for offences

Omit “constituted by a Magistrate sitting alone”.

2.114 Financial Transaction Reports Act 1992 No 99

Section 11 Proceedings for offences

Omit “constituted by a Magistrate sitting alone” from section 11 (2).

2.115 Fines Act 1996 No 99

[1] Section 3 Definitions

Omit the definition of *registrar* from section 3 (1).

[2] Section 52 Provisions relating to annulment of enforcement orders

Omit “section 56 of the *Justices Act 1902*” from section 52 (7).
Insert instead “section 179 of the *Criminal Procedure Act 1986*”.

[3] Section 69 Interim restoration or reinstatement of licence or registration pending appeal etc

Omit “Part 4A of the *Justices Act 1902*” from section 69 (1) (b).
Insert instead “Part 2 of the *Crimes (Local Courts Appeal and Review) Act 2001*”.

[4] Section 116 Management of Office

Omit “justices of the peace” from section 116 (2).
Insert instead “authorised by the Director for the purposes of this section”.

[5] Section 126 Abolition of recovery by distress

Omit “Justice or Justices under the *Justices Act 1902* or any other Act” from section 126 (1).
Insert instead “Magistrate”.

[6] Section 127 Proceedings for offences

Omit “constituted by a Magistrate sitting alone”.

2.116 Firearms Act 1996 No 46

[1] Section 84 Proceedings for offences

Omit “constituted by a Magistrate sitting alone” from section 84 (1).

[2] Section 84 (2)

Omit “Division 3 of Part 2”. Insert instead “Chapter 5”.

[3] Section 85 Time for commencing proceedings for offence

Omit “information was laid”.
Insert instead “court attendance notice was issued”.

2.117 Fisheries Management Act 1994 No 38

[1] Section 277 Nature of proceedings for offences

Omit “constituted by a Magistrate sitting alone” from section 277 (1) (a).

[2] Section 278 Time within which proceedings may be commenced

Omit “*Justices Act 1902*”. Insert instead “*Criminal Procedure Act 1986*”.

2.118 Fitness Services (Pre-paid Fees) Act 2000 No 95

Section 15 Proceedings for offences

Omit “constituted by a Magistrate sitting alone” from section 15 (2) (a).

2.119 Fluoridation of Public Water Supplies Act 1957 No 58

Section 10 Proceedings for offences

Omit “or any two justices”.

2.120 Freedom of Information Act 1989 No 5

[1] Section 6 Definitions

Omit “justice” from the definition of *court* in section 6 (1).
Insert instead “Magistrate”.

[2] Section 6 (1), definition of “judicial functions”

Omit “justice” wherever occurring. Insert instead “Magistrate”.

2.121 Grain Marketing Act 1991 No 15

[1] Section 87 Access to premises and motor vehicles

Omit paragraph (b) of the definition of *authorised justice* in section 87 (10).
Insert instead:

- (b) an authorised officer within the meaning of the
Criminal Procedure Act 1986.

[2] Section 94 Proceedings

Omit “constituted by a Magistrate sitting alone” from section 94 (1).

[3] Section 94 (5)

Omit “the *Justices Act 1902*”. Insert instead “any other Act”.

2.122 Habitual Criminals Act 1957 No 19

[1] Section 8 Conditions under which offender may be arrested

Omit “a Magistrate or any 2 justices constituting” wherever occurring in
section 8 (2) and (4).

[2] Section 8 (2)

Omit “such Magistrate or justices” wherever occurring.
Insert instead “the Local Court”.

[3] Section 8 (2)

Omit “*Justices Act 1902*, as amended by subsequent Acts”.
Insert instead “*Criminal Procedure Act 1986*”.

[4] Section 8 (4) (b)

Omit “or justices”.

2.123 Hay Irrigation Act 1902 No 57

Section 5 Definitions

Omit the definition of *Justice*.

2.124 Inclosed Lands Protection Act 1901 No 33

[1] Section 3 Definitions

Omit the definition of *Justice* from section 3 (1).

[2] Section 6 Offender may be apprehended

Omit “justice” from section 6 (1).

Insert instead “Magistrate or an authorised officer within the meaning of the *Criminal Procedure Act 1986*”.

[3] Section 8 Penalties

Omit “any justice”. Insert instead “a Local Court”.

2.125 Independent Commission Against Corruption Act 1988 No 35

[1] Section 3 Definitions

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

- (b) an authorised officer within the meaning of the *Criminal Procedure Act 1986*.

[2] Section 18 Court proceedings

Omit “, justice of the peace” from section 18 (1).

[3] Section 49 Indemnities and undertakings

Omit “section 46” from section 49 (1). Insert instead “section 32”.

[4] Section 49 (2)

Omit “section 47”. Insert instead “section 33”.

[5] Section 49 (3)

Omit “Section 47”. Insert instead “Section 33”.

[6] Section 116 Proceedings for offences

Omit “constituted by a Magistrate sitting alone” from section 116 (1).

2.126 Industrial Relations Act 1996 No 17

[1] Section 168 Criminal procedure

Omit section 168 (2) and (3). Insert instead:

(2) Part 5 of Chapter 4 of the *Criminal Procedure Act 1986* applies to proceedings for an offence taken before the Commission in Court Session.

(3) Nothing in subsection (2) affects the operation of section 170.

[2] Section 197 Appeals from Local Court

Omit section 197 (2). Insert instead:

(2) The provisions of the *Crimes (Local Courts Appeal and Review) Act 2001* that relate to:

(a) appeals from a Local Court to the District Court or Supreme Court, and

(b) the decisions of the District Court or Supreme Court on any such appeal, and

(c) the carrying out or enforcement of any such decision,

(including those provisions as applied by section 64 of the *Local Courts Act 1982*) apply, subject to the regulations under this Act, to any appeal referred to in subsection (1).

[3] Section 383 Procedure

Omit “*Justices Act 1902*” from section 383 (1).
Insert instead “*Criminal Procedure Act 1986*”.

[4] Section 397 Summary procedure for offences under this Act or regulations

Omit “constituted by a Magistrate sitting alone” from section 397 (1) (a).

[5] Section 402 Recovery of penalty by appointment of receiver

Omit “the *Justices Act 1902*” from section 402 (3).
Insert instead “any other Act”.

2.127 Inebriates Act 1912 No 24

[1] Section 2 Definitions

Omit the definition of *Justice*.

[2] Section 3 Order for control of inebriates

Omit “a justice” from section 3 (1) (c).
Insert instead “an authorised officer within the meaning of the *Criminal Procedure Act 1986*”.

[3] Section 7 Forfeiture of recognizances

Omit “justice” wherever occurring. Insert instead “Magistrate”.

[4] Section 12 Forfeiture of recognizances

Omit “justice” wherever occurring. Insert instead “Magistrate”.

[5] Section 14 Release on licence

Omit “justice”. Insert instead “Magistrate”.

2.128 Interest Reduction Act 1931 No 44

Section 7 Power of court to modify or exclude provisions of section five

Omit “court of petty sessions holden before a stipendiary magistrate or a police magistrate within the police district in which the creditor resides, or in which the interest is payable” from section 7 (2).

Insert instead “Local Court”.

2.129 Interpretation Act 1987 No 15

[1] Section 21 Meaning of commonly used words and expressions

Omit the definition of *justice* from section 21 (1).

[2] Section 21 (2), definition of “court of summary jurisdiction”

Omit the definition.

2.130 Judicial Officers Act 1986 No 100

Insert after Part 8:

Part 8A Immunity of judicial officers and others

44A Immunity of Supreme Court Judges

The protection and immunity of a Judge of the Supreme Court (or a Judge having the same status as a Judge of the Supreme Court) performing duties as such a Judge extends to the Judge when performing ministerial duties as such a Judge.

44B Immunity of certain judicial officers

- (1) A judicial officer has, in the performance of his or her duties as a judicial officer (including ministerial duties), the same protection and immunity as a Judge of the Supreme Court has in the performance of his or her duties as a Judge.

- (2) This section does not apply to a Judge of the Supreme Court or to a Judge having the same status as a Judge of the Supreme Court.

44C Immunity of officers performing duties of judicial officers

A registrar, a Master of the Supreme Court, an assessor of the Land and Environment Court, a Commissioner of the Compensation Court, an authorised justice, an authorised officer (within the meaning of the *Criminal Procedure Act 1986*) or any other officer of a court has, when performing the duties of a judicial officer (including ministerial duties), the same protection and immunity as the judicial officer has in the performance of those duties.

2.131 Jury Act 1977 No 18

[1] Section 15 Appeal against being included on jury roll or being summoned from supplementary jury roll

Omit “, constituted by a Magistrate sitting alone,” from section 15 (1).

[2] Section 15 (1)

Omit “clerk”. Insert instead “registrar”.

[3] Section 71 Proceedings for offences

Omit “constituted by a Magistrate sitting alone” from section 71 (1).

[4] Section 71 (2)

Omit “Division 3 of Part 2”. Insert instead “Chapter 5”.

2.132 Land and Environment Court Act 1979 No 204

[1] Section 21A Class 6—appeals from convictions relating to environmental offences

Omit “Part 5B of the *Justices Act 1902*”.

Insert instead “section 31 or 42 of the *Crimes (Local Courts Appeal and Review) Act 2001*”.

[2] Section 21B Class 7—other appeals relating to environmental offences

Omit “Division 3A of Part 5B of the *Justices Act 1902*”.

Insert instead “section 32 or 43 of the *Crimes (Local Courts Appeal and Review) Act 2001*”.

[3] Section 41

Omit sections 41–55. Insert instead:

41 Application of Criminal Procedure Act 1986

Part 5 of Chapter 4 of the *Criminal Procedure Act 1986* applies to proceedings in Class 5 of the Court’s jurisdiction.

[4] Section 74 Rules

Omit section 74 (1) (a2). Insert instead:

(a2) appeals under section 32 or 43 of the *Crimes (Local Courts Appeal and Review) Act 2001*,

2.133 Landlord and Tenant Act 1899 No 18

[1] Section 2AA No taking possession of dwelling-house without court sanction

Omit “(including two or more justices of the peace sitting under Part 4)” from section 2AA (5).

[2] Part 4, heading

Omit “**Justices of the Peace**”. Insert instead “**a Local Court**”.

[3] Section 23 Possession of tenements may be recovered before Magistrate

Omit “justice of the peace”. Insert instead “registrar of a Local Court”.

[4] Section 23 (2)

Omit “justices” where firstly occurring.
Insert instead “Local Court”.

[5] Section 23 (2)

Omit “, or the majority of them,” where firstly occurring.

[6] Section 23 (2)

Omit “said justices, or the majority of them”. Insert instead “Local Court”.

[7] Section 23 (2)

Omit “to them”. Insert instead “to it”.

[8] Section 23 (2) (b)

Omit “said justices or the majority of them”. Insert instead “Local Court”.

[9] Section 23 (2) (c)

Omit “under their hands”.

[10] Section 23 (4)

Omit “such justices or the majority of them” wherever occurring.
Insert instead “the Local Court”.

[11] Section 23 (6)

Omit “justices think”. Insert instead “Local Court thinks”.

[12] Section 24 Power of Local Court to suspend proceedings on adjudication for one month

Omit “justices by whom”. Insert instead “Local Court by which”.

[13] Section 24

Omit “justices” where secondly, thirdly and fourthly occurring.
Insert instead “Local Court”.

[14] Section 26 Execution of warrant to be suspended on security to defend an action for recovery of land

Omit “the justices by whom” from section 26 (2).
Insert instead “the Local Court by which”.

[15] Section 26 (2)

Omit “, or the majority of them,” where firstly occurring.

[16] Section 26 (2)

Omit “to them”. Insert instead “to the Court”.

[17] Section 26 (2)

Omit “they direct”. Insert instead “the Court directs”.

[18] Section 26 (2)

Omit “such justices, or the majority of them,”. Insert instead “the Court”.

[19] Section 27 Bond to be approved and certified by Magistrate

Omit “justices” from section 27 (1). Insert instead “Magistrate”.

[20] Section 27 (1)

Omit “, or the majority of them,”.

[21] Section 27 (1)

Omit “by them”. Insert instead “by the Magistrate”.

[22] Section 28 Protection of Magistrates, constables etc

Omit “said justices”. Insert instead “Magistrate”.

[23] Section 31 Conduct of proceedings where no express provision

Omit “justices of the peace out of sessions” from section 31 (1).
Insert instead “a Local Court”.

[24] Section 31 (2)

Omit the subsection. Insert instead:

- (2) An appeal against any determination, order, adjudication or warrant under this Part may be made to the Supreme Court under Part 5 of the *Crimes (Local Courts Appeal and Review) Act 2001* as if it were a conviction arising from a court attendance notice dealt with under Part 2 of Chapter 4 of the *Criminal Procedure Act 1986*.
- (3) The *Crimes (Local Courts Appeal and Review) Act 2001* applies to an appeal arising under subsection (2) with such modifications as are made by or in accordance with the regulations under that Act.

[25] Section 32 Power of amendment

Omit “justices”. Insert instead “Local Court”.

[26] Section 32

Omit “they may, upon such terms as they think fit”.
Insert instead “the Court may, on such terms as it thinks fit”.

[27] Section 33 Forms

Omit section 33 (1). Insert instead:

- (1) The Minister may approve forms to be used for the purposes of carrying out the provisions of this Part.

[28] Schedule E

Omit the Schedule.

2.134 Landlord and Tenant (Amendment) Act 1948 No 25

[1] Section 5A Parts 2, 3, 4 and 5 not to apply to certain premises

Omit “Clerk” wherever occurring. Insert instead “registrar”.

[2] Section 13 Clerk of Fair Rents Board

Omit “Clerk” where firstly and secondly occurring in section 13 (1).
Insert instead “registrar”.

[3] Sections 17A and 82

Omit “Clerk” wherever occurring. Insert instead “registrar”.

[4] Section 41 Appeals

Omit “Part 5 of the *Justices Act 1902*” wherever occurring in section 41 (2).
Insert instead “Part 5 of the *Crimes (Local Courts Appeal and Review) Act 2001*”.

[5] Section 81A Court may order that certain dwelling-houses remain subject to this Act

Omit “clerk” from section 81A (4). Insert instead “registrar”.

[6] Section 81A (6)

Omit “constituted by a Magistrate”.

[7] Sections 98, 111 (3), 112 (4)

Omit “constituted by a Magistrate sitting alone” wherever occurring.

2.135 Law Enforcement and National Security (Assumed Identities) Act 1998 No 154

[1] Section 18 Proceedings for offences

Omit “constituted by a Magistrate sitting alone” from section 18 (1).

[2] Section 18 (2)

Omit “Part 9A”. Insert instead “Chapter 5”.

2.136 Law Reform (Miscellaneous Provisions) Act 1946 No 33

Section 2 Special provisions in relation to certain actions of tort

Omit “sitting alone or by any two justices” from section 2 (2).

2.137 Library Act 1939 No 40

Section 15 Regulations

Omit “constituted by a Magistrate sitting alone or by any 2 justices” from section 15 (3A).

2.138 Liquor Act 1982 No 147

[1] Section 4 Definitions

Omit the definition of *justice* from section 4 (1).

[2] Section 12 Procedure before Licensing Court

Insert after section 12 (2):

(2A) Parts 2–4 of Chapter 4 of the *Criminal Procedure Act 1986* apply to proceedings for offences dealt with by the Licensing Court.

[3] Section 12 (4) and (5)

Omit the subsections. Insert instead:

- (4) Part 4 of Chapter 4 of the *Criminal Procedure Act 1986* applies to proceedings in the Licensing Court (not being criminal proceedings) in the same way as it applies to criminal proceedings in that Court.

[4] Section 14 Adjournments

Omit the section.

[5] Section 15 Amendment etc

Omit the section.

[6] Section 17 Registrars of the court

Omit “Clerk” from section 17 (2). Insert instead “registrar”.

[7] Section 120 Person on licensed premises outside trading hours

Omit “justice” from section 120 (4).

Insert instead “Magistrate or authorised officer within the meaning of the *Criminal Procedure Act 1986*”.

[8] Section 145 Proceedings for offences

Omit “constituted by a Magistrate sitting alone” from section 145 (1).

[9] Section 145 (2)

Omit “by an information laid”.

[10] Section 145 (2A)

Omit “by information laid”.

[11] Section 145 (3)

Omit “*Justices Act 1902*”. Insert instead “*Criminal Procedure Act 1986*”.

[12] Section 145B Attendance notices for offences

Omit the section.

[13] Section 145C Application of Criminal Procedure Act 1986

Omit “*Justices Act 1902*” from section 145C (1).

Insert instead “*Criminal Procedure Act 1986*”.

[14] Section 145C (3)

Omit “145B or”.

[15] Section 147 Appeal to District Court from conviction

Omit “Division 4 of Part 5 of the *Justices Act 1902*”.

Insert instead “Divisions 1 and 3 of Part 3 of the *Crimes (Local Courts Appeal and Review) Act 2001*”.

[16] Section 147

Omit “justice or justices”. Insert instead “Local Court”.

[17] Section 155 Notices

Omit section 155 (2). Insert instead:

- (2) The court may, at the hearing or adjourned hearing of a matter in relation to which a notice was served by post, despite that service, order the service in the manner provided by section 177 (2) of the *Criminal Procedure Act 1986*.

2.139 Listening Devices Act 1984 No 69

Section 26 Certain summary proceedings to become committal proceedings

Omit section 26 (2) (b), (c) and (d). Insert instead:

- , and
- (b) the court attendance notice in relation to that notice is deemed to have been withdrawn and the proceedings cease to be proceedings to which Chapter 4 of the *Criminal Procedure Act 1986* applies, and
 - (c) the proceedings are to be continued as if originally commenced in accordance with Part 2 of Chapter 3 of that Act, and anything done, before the declaration was made, under or for the purposes of that Part in relation to the proceedings is, except to the extent that the Court otherwise directs, taken to have been done under or for the purposes of that Part in relation to the proceedings, and
 - (d) the court is not to accept or treat any admission made by the defendant before the declaration was made as a plea of guilty for the purposes of Division 5 of Part 2 of Chapter 3 of that Act.

2.140 Local Courts Act 1982 No 164

[1] Long title

Omit “Clerks”. Insert instead “registrars”.

[2] Section 4 Definitions

Insert in alphabetical order in section 4 (1):

applicant means a person who institutes proceedings under Part 6 or is responsible for the conduct of proceedings against a person and includes (where the subject-matter or context allows or requires) a barrister or solicitor representing the applicant.

application proceedings means proceedings that may be dealt with under Part 6.

authorised officer has the same meaning as in the *Criminal Procedure Act 1986*.

Local Court Rule Committee means the Rule Committee established under section 30.

public officer means any of the following persons, if acting in an official capacity:

- (a) an employee in the Public Service or the Police Service,
- (b) an officer or employee of a statutory body representing the Crown,
- (c) an employee of a council within the meaning of the *Local Government Act 1993*,
- (d) an officer or employee of a rural lands protection board within the meaning of the *Rural Lands Protection Act 1998*,
- (e) the Director of Public Prosecutions, Deputy Director of Public Prosecutions or Solicitor for Public Prosecutions,
- (f) an officer or employee of a body declared by the regulations to be a public body for the purposes of this definition.

respondent means a person who is issued an application notice in application proceedings and includes (where the subject-matter or context allows or requires) a barrister or solicitor representing the respondent.

[3] Section 4 (1)

Omit the definition of ***justice***.

[4] Section 8 Composition of a Court

Omit “or 2 or more justices”.

[5] Sections 8A and 8B

Insert after section 8:

8A Local Courts to be courts of record

A Local Court is a court of record and a judgment of the Court may be set up as a defence in any action brought in a Local Court, in the District Court or the Supreme Court.

8B Local Court to have seal

- (1) A Local Court exercising jurisdiction conferred by or under this or any other Act is to have a seal.
- (2) Any document required by or under this or any other Act to be sealed or stamped with the seal of the Local Court is to be so sealed or stamped.

[6] Sections 10–10D

Omit section 10. Insert instead:

10 Registrars of the Local Court

- (1) There is to be a registrar of the Local Court for each Local Court.
- (2) The registrar is to be:
 - (a) appointed by the Governor under and subject to the *Public Sector Management Act 1988*, or
 - (b) the holder of an office or position:
 - (i) who was appointed to that office or position otherwise than under and subject to that Act, and
 - (ii) who is appointed by the Governor to be registrar of the Local Court so long as the holder holds that office or position.

- (3) A person holding the office of registrar of a Local Court is taken to vacate that office when the appointment by the Governor of another person to hold that office takes effect.
- (4) The Minister may, by order in writing, appoint a person, or the holder of an office, to act in the office of a registrar of a Local Court during:
 - (a) an absence from duty of the registrar of the Local Court, or
 - (b) a vacancy of not more than 6 months' duration in the office of that registrar.
- (5) The Minister may delegate in writing to the Director-General of the Attorney General's Department the Minister's power of appointment under subsection (4).
- (6) A person appointed for the time being under subsection (4), while acting in the office of a registrar of a Local Court, has and may exercise all of the functions of that office.
- (7) Any act, matter or thing done by a person while purporting to exercise a function conferred on the person by subsection (6) is not ineffective or unlawful merely because either of the circumstances referred to in subsection (4) (a) and (b) did not exist when the act, matter or thing was done.
- (8) Any act, matter or thing done by a person while the person is acting in the office of a registrar of a Local Court is taken to have been done by the registrar of the Local Court.

10A Deputy registrars

- (1) The Governor may appoint a person, under and subject to the *Public Sector Management Act 1988*, to be a deputy registrar of a Local Court.
- (2) A person appointed as a deputy registrar has, under the registrar, all the functions of the registrar and may exercise those functions.

10B Functions of registrars

- (1) A registrar has the functions conferred on the registrar by or under this Act, the rules or any other Act.

- (2) Without limiting subsection (1), a registrar may exercise the following functions:
- (a) the functions of a Local Court to adjourn proceedings, without the consent of both parties,
 - (b) the function of making orders by consent, except as provided by the rules,
 - (c) the function of a Local Court to request, or to agree to a request to obtain, a pre-sentencing report,
 - (d) the functions of a Local Court or Magistrate to set times within which documents (including witnesses' statements) must be served or notice given,
 - (e) the functions of a Local Court under Part 7 of the *Service and Execution of Process Act 1992* of the Commonwealth,
 - (f) the functions of a Local Court or Magistrate to determine matters preliminary to the commencement of the hearing of proceedings,
 - (g) the functions of a Local Court to make orders in any proceedings with the consent of the parties, if the orders are of a kind prescribed by the regulations for the purposes of this paragraph,
 - (h) the function of remitting or postponing payment of fees payable in respect of any criminal, or other proceedings under this Act, in a Local Court,
 - (i) the functions of a Local Court with respect to subpoenas.

10C Powers of registrar when exercising functions of Local Court

- (1) A registrar constitutes a Local Court for the purpose of exercising the functions of a Local Court conferred on the registrar under this Act or the rules.
- (2) An order made or a direction given or other act done by a registrar in the exercise of the functions of a Local Court or Magistrate has effect as an order or a direction or an act of a Local Court or Magistrate, whether or not the order, direction or act is within the functions mentioned in this section.

10D Guidelines for exercise of certain functions

- (1) The Minister may issue guidelines for the exercise of the following functions:
 - (a) the remitting or postponement of fees payable in respect of any criminal or other summary proceedings in a Local Court,
 - (b) the issue of warrants of arrest or commitment.
- (2) The guidelines may be issued by order in writing published in the Gazette from time to time.
- (3) A registrar must, when performing functions, comply with any applicable guidelines. A failure to comply with any such guidelines does not affect the validity of any act done by a registrar.

[7] Section 12 Appointment of, and qualifications for, Magistrates

Omit section 12 (3).

[8] Section 12 (4) and 25 (1)

Omit “*Public Service Act 1979*” wherever occurring.
Insert instead “*Public Sector Management Act 1988*”.

[9] Section 21 Additional terms of office

Omit “section 114, 133N (3) or 133BA (3) of the *Justices Act 1902*” from section 21 (5).
Insert instead “section 66 of the *Crimes (Local Courts Appeal and Review) Act 2001*”.

[10] Section 26 Directions as to procedure

Omit “the *Justices Act 1902*”.
Insert instead “this Act, the *Criminal Procedure Act 1986*”.

[11] Sections 27A and 27B

Insert after section 27:

27A How contempt of court is to be dealt with

- (1) A Local Court has, if it is alleged, or appears to the Court on its own view, that a person is guilty of contempt of court committed in the face of the Court or in the hearing of the Court, the same powers as the District Court in those circumstances.
- (2) Without limiting subsection (1), a Local Court may vacate or revoke an order with respect to contempt of court.
- (3) For the purposes of this section:
 - (a) sections 199, 200 and 202 of the *District Court Act 1973* apply to a Local Court and a Magistrate in the same way as they apply to the District Court and a Judge of the District Court, and
 - (b) section 201 of that Act applies to a ruling, order, direction or decision of a Local Court under those provisions as so applied.

27B Referral of contempt allegations to Supreme Court

- (1) Without prejudice to the powers of a Local Court under section 27A, if it is alleged, or appears to the Court on its own view, that a person is guilty of contempt of the Court, whether committed in the face or hearing of the Court or not, the Court may refer the matter to the Supreme Court for determination.
- (2) The Supreme Court is to dispose of any matter referred to it under this section in the manner it considers appropriate.

[12] Section 28A

Insert after section 28:

28A Rules

- (1) The Local Court Rule Committee may make rules, not inconsistent with this Act, for or with respect to the following matters:

- (a) any matter that is required or permitted to be prescribed by rules, or that is necessary or convenient to be prescribed by rules, in relation to the practice or procedure to be followed to give effect to this or any other Act or law conferring jurisdiction or functions on a Local Court,
 - (b) the functions of registrars,
 - (c) the review of orders or decisions of registrars,
 - (d) any matter incidental to, or relating to, any such practice or procedure.
- (2) A rule does not take effect until it has been approved in writing by the Attorney General.

[13] Part 6

Insert after Part 5:

Part 6 Application proceedings in Local Courts

Division 1 Jurisdiction

35 Matters that may be dealt with by Local Courts

- (1) If a Local Court is given power under any Act or other law to determine any matter or to make an order or impose a penalty, the matter is to be dealt with by a Local Court in accordance with this Part.
- (2) This section applies to a power conferred before or after the commencement of this section.
- (3) This section extends to the following matters:
 - (a) matters for which a complaint could, immediately before the commencement of this section, be made to a Justice under the *Justices Act 1902* in a case where a Justice or Justices or Magistrate had authority to make an order for the payment of money or any other order,

- (b) matters for which a complaint or an application could, immediately before the commencement of this section, be made to a Justice or Justices or Magistrate under an Act other than the *Justices Act 1902*.

36 Proceedings to which Part does not apply

- (1) This Part does not apply to the following proceedings:
 - (a) proceedings for a summary or indictable offence,
 - (b) orders that may be made in, or as a result of, criminal proceedings,
 - (c) any matter for which jurisdiction is conferred on a Local Court under the *Local Courts (Civil Claims) Act 1970* or Part 15A of the *Crimes Act 1900*.
- (2) To avoid doubt, and despite subsection (1) (b), this Part applies to the following proceedings:
 - (a) applications for orders under the *Crimes (Forensic Procedures) Act 2000*,
 - (b) proceedings for the purposes of Part 2 of Chapter 7 of the *Criminal Procedure Act 1986*.

Division 2 Commencement of proceedings

37 Commencement of proceedings by application notice

Application proceedings are to be commenced in a Local Court by the issuing and filing of an application notice in accordance with this Division.

38 Commencement of proceedings by police officer or public officer

If a police officer or public officer is authorised to commence application proceedings against a person, the officer may commence the proceedings by issuing an application notice and filing the notice in accordance with this Division.

39 Commencement of private actions

- (1) If a person other than a police officer or public officer is authorised to commence application proceedings against a person, the person may commence the proceedings by issuing an application notice, signed by a registrar, and filing the notice in accordance with this Division.
- (2) A registrar must not sign an application notice if:
 - (a) the registrar is of the opinion that the notice does not disclose grounds for the proceedings, or
 - (b) the registrar is of the opinion that the notice is not in the form required by or under this Act, or
 - (c) the registrar is of the opinion that a ground for refusal set out in the rules applies to the notice.
- (3) If a registrar refuses to sign an application notice proposed to be issued by any such person, the question of whether the application notice is to be signed and issued is to be determined by the Local Court on application by the person.

40 Form of application notice

- (1) An application notice must be in writing and be in the form prescribed by the rules.
- (2) The rules may prescribe one or more forms of application notice.
- (3) An application notice must do the following:
 - (a) describe the grounds for the proceedings and the remedy sought,
 - (b) contain the name of the applicant,
 - (c) require the respondent to appear before the Local Court or a Magistrate at a specified date, time and place.
- (4) The rules may prescribe additional matters to be included in application notices.

41 Application notice to be for one cause of action only

An application notice may not relate to more than one cause of action.

42 Service of application notice

- (1) An application notice issued by a police officer must be served by a police officer in accordance with the rules.
- (2) An application notice issued by a public officer must be served by a police officer or public officer or other person authorised by the rules in accordance with the rules.
- (3) An application notice issued by a person other than a police officer or a public officer must be served by a person authorised by the rules in accordance with the rules.
- (4) A copy of an application notice must be filed in a Local Court not later than 7 days after it is served or within such longer period as the Court may allow and must contain an endorsement as to service.

43 When proceedings commence

- (1) All proceedings are taken to have commenced on the date on which an application notice is filed in a Local Court.
- (2) An application notice may be filed even though it has not been served if:
 - (a) the notice is not able to be served, despite reasonable attempts to do so, or
 - (b) the registrar gives leave to do so after forming the opinion that it is not reasonable in the circumstances of the case to require prior service of the notice.
- (3) Nothing in this section affects any other Act or law under which proceedings are taken to have commenced on another date.

44 Time limit for commencement of proceedings

- (1) Application proceedings must be commenced not later than 6 years from when the cause of action is alleged to have arisen.
- (2) This section is subject to any other Act or law.

45 Relationship to other law or practice

If an Act or a statutory rule provides for application proceedings to be commenced otherwise than by issuing an application notice, the proceedings may be commenced in accordance with this Act.

Division 3 Hearing of proceedings

46 Time for hearing

- (1) On the first return date for an application notice in any civil proceedings, or at such later time as the Local Court determines, the Court must set the date, time and place for hearing and determining the matter.
- (2) The Local Court must notify the respondent of the date, time and place, if the respondent is not present.
- (3) However, if the respondent is not present at the first return date, the Local Court may proceed to hear and determine the matter on that day at its discretion.

Note. The powers of a Local Court to adjourn proceedings are set out in section 54.

47 Proceedings to be open to public

- (1) Application proceedings before a Local Court are to be heard in open court.
- (2) This section is subject to the provisions of any other Act or law.

48 Place of hearing

A Local Court may remove application proceedings to a Local Court in another place, if it thinks it appropriate in the circumstances.

49 Right to defend action

A respondent in application proceedings may defend the action and any proceedings ancillary to the action.

50 Right of representation

- (1) An applicant or respondent may appear personally or by a barrister or solicitor or other person empowered by an Act or other law to appear for the applicant or respondent.
- (2) An applicant who is a police officer may appear personally or by a person permitted by subsection (1) or by a police prosecutor.

51 Conduct of case

- (1) The applicant's case may be conducted by the applicant or by the applicant's barrister or solicitor or any other person permitted to appear for the applicant (whether under this or any other Act).
- (2) The respondent's case may be conducted by the respondent or by the respondent's barrister or solicitor or any other person permitted to appear for the respondent (whether under this or any other Act).

52 Evidence to be on oath

The usual oath must be administered to a witness before the witness is examined.

Note. For the form of oaths and declarations see the *Oaths Act 1900*.

53 Recording of evidence

- (1) The evidence of each witness in application proceedings must be recorded.
- (2) Rules may be made for or with respect to the manner in which the evidence may be recorded and the authentication of evidence or of transcripts of evidence given in proceedings.

54 Adjournments

- (1) The Local Court may at any stage of proceedings adjourn the proceedings generally or to a specified time and place.
- (2) An adjournment of proceedings may be in such terms as the Local Court thinks fit.

- (3) A matter that is adjourned generally must be listed before a Local Court or registrar not later than 2 years after the adjournment.

55 Irregularity

- (1) If, in or in connection with application proceedings or the commencement of application proceedings, there is a failure to comply with any requirement of this Act or the rules, the failure is to be treated as an irregularity and does not nullify the proceedings or any step taken in the proceedings, or any judgment, document or order in the proceedings.
- (2) Subsection (1) applies to a failure to comply with a requirement relating to time, place, manner, form or content or any other failure.
- (3) In the case of an irregularity, a Local Court may, on terms, set aside wholly or in part the proceedings or any step taken in the proceedings or any document, judgment or order in the proceedings or exercise its powers under the rules to allow judgments and to make orders dealing with the proceedings generally.
- (4) The Local Court must not take action under subsection (3) on the application of a party unless that application is made within a reasonable time and before the party has taken any fresh step after becoming aware of the irregularity.

56 Power to dispense with rules

- (1) A Local Court determining application proceedings may, if of the opinion that it is in the interests of justice to do so, dispense with or vary a requirement of the rules.
- (2) For the purposes of subsection (1), a Local Court may make directions as to the conduct of application proceedings.
- (3) The power conferred by this section does not extend to any rule declared by the rules to be mandatory.

Note. A Local Court may also direct the manner and form of procedure for taking any step in proceedings if it is not prescribed by or under this Act (see section 26).

57 Power to stay proceedings

- (1) A Local Court may order, on such terms as it thinks fit, that any application proceedings be stayed at any stage of the proceedings.
- (2) The power to stay proceedings includes power to order a stay of an enforcement of an order.
- (3) A Magistrate who is satisfied that because of urgent circumstances it is not practicable for the power conferred by this section to be exercised by the court on which they are conferred may exercise that power.

58 Arrest of respondent during proceedings

- (1) A Magistrate may, at any time when or after a matter is first before a Local Court or Magistrate and before it is finally disposed of by the Court or Magistrate, issue a warrant to arrest a respondent if the respondent fails to appear personally or to appear by a barrister or solicitor or other representative at the Court and the Magistrate is satisfied that the respondent had notice of the date, time and place of the proceedings.
- (2) A Magistrate, registrar or authorised officer before whom a respondent is brought on arrest on a warrant issued under this section may, if bail is not dispensed with or granted, issue a warrant:
 - (a) committing the respondent to a correctional centre or other place of security, and
 - (b) ordering the respondent to be brought before a Local Court at the date, time and place specified in the order.
- (3) The Magistrate, registrar or authorised officer must give notice of the date, time and place set to the applicant.

59 Witnesses and the production of evidence

The provisions of Part 3 of Chapter 4 of the *Criminal Procedure Act 1986* apply, with any necessary modifications, to application proceedings under this Act in the same way as they apply to proceedings for summary offences under that Act.

60 Warrants of arrest and warrants of commitment

The provisions of Part 4 of Chapter 4 of the *Criminal Procedure Act 1986* apply, with any necessary modifications, to warrants of arrest, or warrants of commitment, issued under this Act in the same way as they apply to warrants of arrest or warrants of commitment issued under that Act.

61 Enforcement of orders for payment of money

An order for the payment of money by a party to application proceedings (including an order as to payment of costs) may be enforced in a court of competent jurisdiction as if it were a debt due to the person to whom the money is ordered to be paid.

62 Costs

- (1) A Local Court may award costs in application proceedings at its discretion and may determine by whom, to whom and to what extent costs are to be paid in or in relation to application proceedings.
- (2) A Local Court may order costs to be assessed on the basis set out in Division 6 of Part 11 of the *Legal Profession Act 1987* or on an indemnity basis.
- (3) This section is subject to this Act, the rules and any other Act.

63 Rules

- (1) The rules may make provision for or with respect to the following matters relating to application proceedings:
 - (a) regulating the practice and procedure in Local Courts and in proceedings before registrars,
 - (b) service of application notices and other documents,
 - (c) endorsement of service of application notices and other documents,
 - (d) the form of subpoenas,
 - (e) additional requirements for the form of warrants,
 - (f) the functions of registrars,
 - (g) the hearing of proceedings, including the procedure to be followed and the orders to be made, when a party fails to attend,

- (h) empowering a Local Court to dispense with rules of evidence for proving any matter that is not genuinely in dispute in any proceedings and to dispense with rules of evidence that might cause expense or delay in proceedings if those rules were applied in specified circumstances,
 - (i) prescribing matters relating to expert evidence, including the disclosure, by providing copies of reports or otherwise, of the nature of expert evidence to be given, and including the exclusion of expert evidence in the case of non-compliance with the rules relating to expert evidence or with any order for disclosure of the nature of expert evidence,
 - (j) providing for any matter relating to the costs of proceedings.
- (2) Without limiting the generality of subsection (1), the rules may make provision for or with respect to empowering a court to make the following orders:
- (a) that a party give discovery of documents to any party,
 - (b) that a party produce documents for inspection by any party,
 - (c) that a party produce documents at the hearing of any action,
 - (d) that a party attend for a medical examination,
 - (e) that a party make admissions for the purposes of the action,
 - (f) that a party give further particulars of any action commenced or grounds of defence filed,
 - (g) any further order prescribed in the event of the failure of a party to comply with an order made under rules made for the purposes of this subsection.
- (3) This section does not give power to make rules with respect to any matter relating to costs that is regulated by Part 11 of the *Legal Profession Act 1987*.

64 Appeals

(1) In relation to any order arising from an application notice under this Part:

- (a) an application for annulment may be made in accordance with Part 2 of the *Crimes (Local Courts Appeal and Review) Act 2001*, and
- (b) an appeal to the District Court may be made in accordance with Part 3 of the *Crimes (Local Courts Appeal and Review) Act 2001*, and
- (c) an appeal to the Supreme Court may be made in accordance with Part 5 of the *Crimes (Local Courts Appeal and Review) Act 2001*,

in the same way as such an application or appeal may be made in relation to a sentence arising from a court attendance notice dealt with under Part 2 of Chapter 4 of the *Criminal Procedure Act 1986*.

(2) If any other Act:

- (a) provides for an appeal to the District Court against an order of a Magistrate or Justice under that Act, or
- (b) provides for an appeal against such an order without identifying to which court such an appeal is to be made,

such an appeal is to be made to the District Court in accordance with Part 3 of the *Crimes (Local Courts Appeal and Review) Act 2001* in the same way as an appeal under that Part may be made in relation to a sentence arising from a court attendance notice dealt with under Part 2 of Chapter 4 of the *Criminal Procedure Act 1986*.

(3) If any other Act provides for an appeal to the Supreme Court against an order of a Magistrate or Justice under that Act, such an appeal is to be made to the Supreme Court in accordance with Part 5 of the *Crimes (Local Courts Appeal and Review) Act 2001* in the same way as an appeal under that Part may be made in relation to a sentence arising from a court attendance notice dealt with under Part 2 of Chapter 4 of the *Criminal Procedure Act 1986*.

- (4) The *Crimes (Local Courts Appeal and Review) Act 2001* applies to an application or appeal arising under this section with such modifications as are made by or in accordance with the regulations under that Act.

[14] Schedule 1 Savings and transitional provisions

Insert at the end of clause 8 (1):

Justices Legislation Repeal and Amendment Act 2001, but only in relation to the amendments made to this Act

[15] Schedule 1, clauses 11–17

Insert after clause 10:

11 Existing Clerks of Local Courts

A person who, immediately before the commencement of this clause, held office as a Clerk of a Local Court is taken to have been appointed under this Act as a registrar of the Local Court.

12 Existing registrars for civil claims jurisdiction

A person who, immediately before the commencement of this clause, held office as a registrar or a deputy registrar of a Local Court under the *Local Courts (Civil Claims) Act 1970* (but not as a Clerk of a Local Court) is taken to have been appointed under this Act as a deputy registrar of the Court.

13 Contempt of court

- (1) Sections 27A and 27B, as inserted by the *Justices Legislation Repeal and Amendment Act 2001*, do not apply to a contempt committed before the commencement of those sections.
- (2) The provisions of the *Justices Act 1902* and the *Local Courts (Civil Claims) Act 1970*, as in force before the commencement of sections 27A and 27B, continue to apply to a contempt committed before the commencement of those sections.

14 Matters arising before insertion of Part 6

- (1) Part 6 of this Act, and any instruments made under this Act, apply to or in relation to proceedings for a cause of action for which proceedings may be taken under that Part, that arose

before the commencement of this clause, if proceedings in respect of the matter were not commenced before the commencement of this clause.

- (2) The provisions of the *Justices Act 1902*, and any instruments made under that Act, as in force immediately before the commencement of this clause, continue to apply to or in relation to proceedings for any such cause of action, if proceedings in respect of the cause of action were commenced before the commencement of this clause.
- (3) For the purposes of this clause, proceedings are taken to have been commenced in respect of an offence if a complaint was made, or an attendance notice issued, in relation to a cause of action, before the commencement of this clause.

15 Provisions about appearances and service of documents

Without limiting the generality of clause 14 (2), the provisions of the *Justices Act 1902* and any instrument made under that Act continue to apply to or in relation to:

- (a) requiring the appearance of accused persons, witnesses and other persons at proceedings referred to in clause 14 (2), and
- (b) the issue and enforcement of and requirements for warrants of apprehension and commitment relating to proceedings referred to in clause 14 (2), and
- (c) the service of process and other documents relating to proceedings referred to in clause 14 (2).

16 Costs

Without limiting the generality of clause 14 (2), the provisions of the *Justices Act 1902* and any instrument made under that Act continue to apply to or in relation to:

- (a) orders for, and the payment of, costs by accused persons or other persons in any proceedings commenced under that Act before the commencement of this clause, and
- (b) the enforcement of any such order.

17 References to issue of summonses and informations

A reference in a provision of an Act or a statutory rule to the issue of a summons, or the laying of an information, in relation to a cause of action referred to in clause 14 for which proceedings could (immediately before the commencement of this clause) be commenced under the *Justices Act 1902*, is taken to be a reference to the issue of an application notice under this Act.

2.141 Local Courts (Civil Claims) Act 1970 No 11

[1] Part 2, Division 2, heading

Omit “Registrars and bailiffs”. Insert instead “Bailiffs”.

[2] Section 8 Registrar

Omit the section.

[3] Section 8AA Temporary appointment of registrars and deputy registrars

Omit the section.

[4] Section 69 Appeal

Omit section 69 (3). Insert instead:

- (3) A party to proceedings under this Act who is dissatisfied with the judgment or order of the court on a ground that involves a question of mixed law and fact may appeal to the Supreme Court, but only by leave of the Supreme Court.
- (4) The Supreme Court may determine an appeal made under this section:
 - (a) by setting the judgment or order aside, or
 - (b) by varying the terms of the judgement or order, or
 - (c) by setting the judgment or order aside and remitting the matter to the court for determination in accordance with the Supreme Court’s directions, or

(d) by dismissing the appeal.

(5) Subject to any order of the Supreme Court to the contrary, the judgment or order against which the appeal is made is stayed pending the determination of the appeal.

(6) If the Supreme Court determines the appeal by remitting the matter to the court, and the Magistrate who gave the judgment or made the order:

(a) has ceased to hold office as Magistrate, or

(b) is for any other reason unable to continue to hear and determine the matter,

the matter is to be dealt with by another Magistrate nominated by the Chief Magistrate.

[5] Section 72 Witnesses

Omit “section 66 (2) and (3) of the *Justices Act 1902*” from section 72 (5). Insert instead “section 229 (3) and (4) of the *Criminal Procedure Act 1986*, and the provisions of Part 4 of Chapter 4 of that Act applicable to warrants referred to in those provisions”.

[6] Section 72 (5)

Omit “section 66 (1)”. Insert instead “section 229 (1)”.

[7] Section 76 Contempt of court

Omit the section.

[8] Section 76A Power to refer allegation etc of contempt to Supreme Court

Omit the section.

[9] Section 81 Proceedings for offences

Omit “held before a Magistrate sitting alone”.

2.142 Local Government Act 1993 No 30

[1] Chapter 16, Introduction note

Omit “*Justices Act 1902*”. Insert instead “*Criminal Procedure Act 1986*”.

[2] Section 680 Demanding name of offender

Omit “Justice” wherever occurring.

Insert instead “Magistrate or authorised officer within the meaning of the *Criminal Procedure Act 1986*”.

[3] Section 691 Proceedings for offences

Omit “constituted by a Magistrate sitting alone” wherever occurring.

[4] Section 740 Public inquiries

Omit “section 152 (Contempt of court) of the *Justices Act 1902*” from section 740 (3).

Insert instead “sections 27A and 27B of the *Local Courts Act 1982*”.

2.143 Marine Parks Act 1997 No 64

[1] Section 39 Proceedings for offences

Omit “constituted by a Magistrate sitting alone” from section 39 (1) (a).

[2] Section 40 Time within which proceedings may be commenced

Omit “*Justices Act 1902*”. Insert instead “*Criminal Procedure Act 1986*”.

2.144 Marine Safety Act 1998 No 121

[1] Section 127 Summary proceedings for offences

Omit “constituted by a Magistrate sitting alone”.

[2] Section 128 Time within which proceedings may be commenced

Omit “*Justices Act 1902*”. Insert instead “*Criminal Procedure Act 1986*”.

2.145 Meat Industry Act 1978 No 54

Section 29 Seizure

Omit “justice of the peace” from section 29 (2) (a).

Insert instead “Magistrate”.

2.146 Mental Health Act 1990 No 9

[1] Section 22 Assistance by police

Omit “the warrant of a justice” from section 22 (3).

Insert instead “a warrant”.

[2] Section 24 Detention after apprehension by police

Omit “the warrant of a justice” from section 24 (2).

Insert instead “a warrant”.

[3] Sections 48 (2), 167 (2) and 279 (2)

Omit “, being a fee corresponding to the fee referred to in section 73 (2) of the *Justices Act 1902* for copies of depositions” wherever occurring.

[4] Section 93 Breach of condition of order for release

Omit “the warrant of a justice” from section 93 (3).

Insert instead “a warrant”.

[5] Section 93 (4)

Omit “justice” where firstly occurring.

Insert instead “Magistrate or authorised officer within the meaning of the *Criminal Procedure Act 1986*”.

[6] Section 93 (4)

Omit “justice” where secondly occurring.
Insert instead “the Magistrate or authorised officer”.

[7] Section 111 Retaking of escapees

Omit “justice” where firstly occurring in section 111 (2).
Insert instead “Magistrate or authorised officer within the meaning of the *Criminal Procedure Act 1986*”.

[8] Section 111 (2)

Omit “justice” where secondly occurring.
Insert instead “the Magistrate or authorised officer”.

[9] Section 130 Apprehension by police

Omit “the warrant of a justice” from section 130 (4).
Insert instead “a warrant”.

[10] Section 140 Apprehension by police

Omit “the warrant of a justice” from section 140 (4).
Insert instead “a warrant”.

[11] Section 299 Proceedings for offences

Omit “constituted by a Magistrate sitting alone” from section 299 (1).

2.147 Mental Health (Criminal Procedure) Act 1990 No 10

Section 3 Definitions

Omit paragraph (a) of the definition of *Magistrate* in section 3 (1).

2.148 Mining Act 1992 No 29

[1] Section 175C Appeals against, and suspensions and annulments of, exclusion orders

Omit section 175C (1). Insert instead:

- (1) An appeal against an exclusion order made by a Warden's Court or Local Court may be made to the District Court under Part 3 of the *Crimes (Local Courts Appeal and Review) Act 2001* as if that order were a sentence arising from a court attendance notice dealt with under Part 2 of Chapter 4 of the *Criminal Procedure Act 1986*.
- (1A) The *Crimes (Local Courts Appeal and Review) Act 2001* applies to an appeal arising under subsection (1) with such modifications as are made by or in accordance with the regulations under that Act.

[2] Section 297A

Insert after section 297:

297A Procedure relating to criminal proceedings

Parts 2–4 of Chapter 4 of the *Criminal Procedure Act 1986* apply to proceedings for an offence dealt with summarily before a Warden's Court.

[3] Part 15, Divisions 3 and 4

Omit the Divisions. Insert instead:

Division 3 Appeals

321 Appeals to District Court and Supreme Court

- (1) An appeal against an order made by a Warden's Court under this Part:
 - (a) may be made to the District Court under Part 3 of the *Crimes (Local Courts Appeal and Review) Act 2001*, or

(b) may be made to the Supreme Court under Part 5 of the *Crimes (Local Courts Appeal and Review) Act 2001*,

as if that order were a sentence arising from a court attendance notice dealt with under Part 2 of Chapter 4 of the *Criminal Procedure Act 1986*.

(2) The *Crimes (Local Courts Appeal and Review) Act 2001* applies to an appeal arising under subsection (1) with such modifications as are made by or in accordance with the regulations under that Act.

[4] Section 375 Proceedings for offences

Omit “constituted by a Magistrate sitting alone” from section 375 (1).

[5] Section 375 (2)

Omit “Division 3 of Part 2”. Insert instead “Chapter 5”.

[6] Section 375 (3)

Omit the subsection. Insert instead:

(3) For the purposes of dealing with an offence in accordance with Chapter 5 of the *Criminal Procedure Act 1986*, the Warden’s Court has the functions of, and is taken to be, a Local Court.

2.149 Minors (Property and Contracts) Act 1970 No 60

[1] Section 27 Approval of contract or disposition

Omit section 27 (7). Insert instead:

(7) Parts 2, 3 and 5 of the *Crimes (Local Courts Appeal and Review) Act 2001* (as applied by section 64 of the *Local Courts Act 1982*) do not apply to an order under this section.

[2] Section 40 Jurisdiction

Omit “held before a Magistrate sitting alone” from section 40 (4).

2.150 Motor Dealers Act 1974 No 52

[1] Section 53AA Search warrants—entry of unlicensed premises

Omit the definition of *authorised justice* from section 53AA (1).

Insert instead:

authorised justice has the same meaning as it has in the *Search Warrants Act 1985*.

[2] Section 55 Proceedings

Omit “constituted by a Magistrate sitting alone” wherever occurring in section 55 (1) (b) (i) and (1B).

2.151 Motor Vehicle Repairs Act 1980 No 71

Section 75A Search warrants—entry of unlicensed premises

Omit the definition of *authorised justice* from section 75A (1).

Insert instead:

authorised justice has the same meaning as it has in the *Search Warrants Act 1985*.

2.152 Motor Vehicles Taxation Act 1988 No 111

[1] Section 18 Proceedings for offences

Omit “constituted by a Magistrate sitting alone”.

[2] Section 19 Particulars of conviction or order

Omit “section 87 of the *Justices Act 1902*” from section 19 (2).

Insert instead “any other Act”.

2.153 Motor Vehicles (Third Party Insurance) Act 1942 No 15

Section 13 Appeal against refusal to issue or against cancellation of policy

Omit “Part 5A of the *Justices Act 1902*” from section 13 (4) (b).
Insert instead “Part 3 of the *Crimes (Local Courts Appeal and Review) Act 2001*”.

2.154 Museum of Applied Arts and Sciences Act 1945 No 31

Section 18 Regulations

Omit “constituted by a Magistrate sitting alone or by any 2 justices” from section 18 (4).

2.155 National Parks and Wildlife Act 1974 No 80

[1] Section 176 Proceedings for offences

Omit “constituted by a Magistrate sitting alone” wherever occurring.

[2] Section 176 (1B)

Omit “*Justices Act 1902*”. Insert instead “*Criminal Procedure Act 1986*”.

[3] Section 176 (3)

Omit “under section 52 of the *Land and Environment Court Act 1979* or section 81 of the *Justices Act 1902*”.

Insert instead “the *Criminal Procedure Act 1986*”.

[4] Section 177 Compensation

Omit section 177 (2). Insert instead:

- (2) Any order under subsection (1) is taken to be a fine for the purposes of the *Fines Act 1996*.

2.156 Native Vegetation Conservation Act 1997 No 133

[1] Section 64 Proceedings for offences

Omit “constituted by a Magistrate sitting alone” from section 64 (1).

[2] Section 64 (6)

Omit “*Justices Act 1902*”. Insert instead “*Criminal Procedure Act 1986*”.

2.157 Navigation Act 1901 No 60

[1] Section 3 Definitions

Omit the definition of *justice*.

[2] Section 21 Arrest of offenders

Omit “justice” from section 21 (1).

Insert instead “Magistrate or an authorised officer within the meaning of the *Criminal Procedure Act 1986*”.

[3] Section 144 Trees in or over navigable waters to be removed

Omit “justices or”.

[4] Section 168 Indictable offences

Omit “heard and determined in a summary way by and before any two justices” from section 168 (2).

Insert instead “dealt with summarily by a Local Court”.

[5] Section 169 Application of penalties

Omit “justices or”.

[6] Section 169

Omit “they think fit”. Insert instead “it thinks fit”.

2.158 Necropolis Act 1901 (1902 No 20)

[1] Section 31 Apprehension of offenders

Omit “justice of the peace” from section 31 (1).

Insert instead “Magistrate or authorised officer within the meaning of the *Criminal Procedure Act 1986*”.

[2] Section 31 (2)

Omit “justice of the peace”.

Insert instead “Magistrate, authorised officer within the meaning of the *Criminal Procedure Act 1986*”.

[3] Section 33 Recovery of penalties

Omit “in a summary way according to the provisions of the Act or Acts for the time being regulating proceedings before justices of the peace”.

Insert instead “before a Local Court in accordance with the *Criminal Procedure Act 1986*”.

2.159 New South Wales Crime Commission Act 1985 No 117

[1] Section 21A Indemnities and undertakings

Omit “section 46” from section 21A (1). Insert instead “section 32”.

[2] Section 21A (2) and (3)

Omit “section 47” and “Section 47” wherever occurring.

Insert instead “section 33” and “Section 33” respectively.

[3] Section 36 Proceedings for offences

Omit “constituted by a Magistrate sitting alone” from section 36 (1).

2.160 Oaths Act 1900 No 20

[1] Section 2A Proceedings for offences

Omit “Division 3 of Part 2”. Insert instead “Chapter 5”.

[2] Section 13 Declaration or affirmation instead of oath

Omit “justice” wherever occurring. Insert instead “Judge or Magistrate”.

[3] Section 20 Abolition of extra judicial oaths

Omit “justice of the peace” from section 20 (2) (a).
Insert instead “Judge or Magistrate”.

[4] Section 20 (2) (b)

Omit “justice of the peace”. Insert instead “Magistrate”.

[5] Section 21A Penalty for taking and receiving statutory declaration without authority

Omit “constituted by a Magistrate sitting alone” from section 21A (3).

2.161 Parliamentary Electorates and Elections Act 1912 No 41

[1] Section 114 Returning officer etc may arrest offenders under this Act

Omit “justice of the peace” from section 114 (2).
Insert instead “Magistrate or an authorised officer within the meaning of the *Criminal Procedure Act 1986*”.

[2] Section 183 Proceedings for offences

Omit “constituted by a Magistrate sitting alone”.

2.162 Pawnbrokers and Second-hand Dealers Act 1996 No 13

[1] Section 23 Direction for restoration of goods

Omit “Part 6” from section 23 (3). Insert instead “Part 2 of Chapter 7”.

[2] Section 40 Proceedings for offences

Omit “constituted by a Magistrate sitting alone” from section 40 (1).

2.163 Pesticides Act 1999 No 80

Section 72 Time within which summary proceedings may be commenced

Omit “*Justices Act 1902*” from section 72 (5).
Insert instead “*Criminal Procedure Act 1986*”.

2.164 Petroleum (Onshore) Act 1991 No 84

[1] Section 137 Proceedings for offences

Omit “constituted by a Magistrate sitting alone” from section 137 (1).

[2] Section 137 (2) and (3)

Omit “Division 3 of Part 2” wherever occurring. Insert instead “Chapter 5”.

2.165 Petroleum (Submerged Lands) Act 1982 No 23

[1] Section 16 Jurisdiction of State courts

Omit section 16 (3).

[2] Section 132 Prosecution of offences

Omit “Division 3 of Part 2” from section 132 (3A).

Insert instead “Chapter 5”.

[3] Section 136C Search warrants

Omit “a Justice of the Peace employed in the Local Courts Administration, Attorney General’s Department” from section 136C (4).

Insert instead “an authorised officer within the meaning of the *Criminal Procedure Act 1986*”.

2.166 Poisons and Therapeutic Goods Act 1966 No 31

[1] Section 4 Definitions

Omit the definition of *Justice* from section 4 (1).

[2] Section 45 Proceedings for offences

Omit “constituted by a Magistrate sitting alone” from section 45 (1).

2.167 Police Integrity Commission Act 1996 No 28

[1] Section 4 Definitions

Omit paragraph (b) of the definition of *authorised justice* in section 4 (1).

Insert instead:

- (b) an authorised officer within the meaning of the *Criminal Procedure Act 1986*.

[2] Section 21 Court proceedings

Omit “, justice of the peace” from section 21 (1).

[3] Section 55 Indemnities and undertakings

Omit “section 46” from section 55 (1). Insert instead “section 32”.

[4] Section 55 (2) and (3)

Omit “section 47” and “Section 47” wherever occurring.
Insert instead “section 33” and “Section 33” respectively.

[5] Section 141 Proceedings for offences

Omit “constituted by a Magistrate sitting alone” from section 141 (1).

2.168 Police Service Act 1990 No 47

[1] Section 207 Proceedings for offences

Omit “constituted by a Magistrate sitting alone” from section 207 (1).

[2] Section 207A Commissioner may conduct integrity testing programs

Omit “section 100 of the *Justices Act 1902*,” from section 207A (4) (f).

[3] Section 207A (4) (f)

Insert “351B or” before “section 546”.

[4] Section 215 Protection of police acting in execution of warrant

Omit “justice or judicial officer” from section 215 (1).
Insert instead “judicial officer or other person”.

**2.169 Ports Corporatisation and Waterways Management Act 1995
No 13**

[1] Section 101 Proceedings for offences

Omit “constituted by a Magistrate sitting alone”.

[2] Section 102 Time within which proceedings may be commenced

Omit “*Justices Act 1902*”. Insert instead “*Criminal Procedure Act 1986*”.

2.170 Pre-trial Diversion of Offenders Act 1985 No 153

[1] Section 3 Definitions

Omit the definition of *Justice* from section 3 (1).

[2] Section 4 Act not to apply to certain persons

Omit “summons to appear before a Justice”.

Insert instead “court attendance notice to appear before a Magistrate”.

[3] Section 5 Criminal Procedure Act 1986 to apply

Omit “*Justices Act 1902*”. Insert instead “*Criminal Procedure Act 1986*”.

[4] Section 7 Person appearing before Magistrate may request that Act not apply

Omit “Justice” wherever occurring. Insert instead “Magistrate”.

[5] Section 9 Proceedings to be adjourned pending decision by prosecutor

Omit “Justice” wherever occurring. Insert instead “Magistrate”.

[6] Section 11 Prosecutor to notify Magistrate of decision

Omit “Justice” wherever occurring. Insert instead “Magistrate”.

[7] Section 12 Act ceases to apply to person not referred for assessment

Omit “Justice”. Insert instead “Magistrate”.

[8] Section 13 Proceedings to be further adjourned pending assessment

Omit “Justice” wherever occurring. Insert instead “Magistrate”.

[9] Section 15 Prosecutor to notify Magistrate as to person’s suitability

Omit “Justice” wherever occurring. Insert instead “Magistrate”.

[10] Section 16 Act ceases to apply to person not suitable for participation in the Program

Omit “Justice”. Insert instead “Magistrate”.

[11] Section 17 Act ceases to apply if person does not plead guilty before Magistrate

Omit “Justice” wherever occurring. Insert instead “Magistrate”.

[12] Section 18 Act ceases to apply if plea of guilty rejected

Omit “Justice may accept or reject the plea under section 51A of the *Justices Act 1902* on such grounds as the Justice” from section 18 (1).

Insert instead “Magistrate may accept or reject the plea under section 100 of the *Criminal Procedure Act 1986* on such grounds as the Magistrate”.

[13] Section 18 (2) and (3)

Omit “Justice” wherever occurring. Insert instead “Magistrate”.

[14] Section 19 Certain child sexual assault cases may not be disposed of summarily

Omit “Division 3 of Part 2”. Insert instead “Chapter 5”.

[15] Section 20 Person pleading guilty before Magistrate to comply with certain directions pending appearance before higher court

Omit “Justice”. Insert instead “Magistrate”.

2.171 Prisoners (Interstate Transfer) Act 1982 No 104

[1] Section 32 Escape from custody of person being transferred

Omit “justice” from section 32 (2).

Insert instead “Magistrate or authorised officer within the meaning of the *Criminal Procedure Act 1986*.”

[2] Section 32 (2)

Omit “justice’s”. Insert instead “Magistrate’s or authorised officer’s”.

2.172 Privacy and Personal Information Protection Act 1998 No 133

[1] Section 6 Courts, tribunals and Royal Commissions not affected

Omit “justice” wherever occurring in section 6 (3) (a).
Insert instead “Magistrate”.

[2] Section 70 Proceedings for offences

Omit “constituted by a Magistrate sitting alone”.

2.173 Property, Stock and Business Agents Act 1941 No 28

[1] Section 4 Act not to apply to certain persons or bodies

Omit “or justice” from section 4 (2) (a) (ii).

[2] Section 23 Procedure

Omit “clerk” wherever occurring in section 23 (7) (a) and (9) (a).
Insert instead “registrar”.

[3] Section 23 (9) (b)

Omit “, which for that purpose shall be constituted by a Magistrate sitting alone or two or more justices”.

[4] Section 23B Objection to application for restoration of licence

Omit “clerk” from section 23B (3). Insert instead “registrar”.

[5] Section 29 Cancellation of licence

Omit “any justice of the peace may summon” from section 29 (1).
Insert instead “a registrar of a Local Court may issue an application notice requiring”.

[6] Section 29 (1)

Omit “constituted by a Magistrate sitting alone”.

[7] Section 29 (1)

Omit “summons” wherever occurring. Insert instead “notice”.

[8] Section 29 (2)

Omit “summons” wherever occurring. Insert instead “notice”.

[9] Section 29 (3A)

Omit “Clerk”. Insert instead “registrar”.

[10] Section 29A Disqualification of former licensees etc

Omit “any justice may summon” from section 29A (2).

Insert instead “ a registrar of a Local Court may issue an application notice requiring”.

[11] Section 29A (2)

Omit “constituted by a Magistrate sitting alone”.

[12] Section 29A (3) and (4)

Omit “summons” wherever occurring. Insert instead “notice”.

[13] Section 29A (5)

Omit “clerk”. Insert instead “registrar”.

[14] Section 39AA Procedure for approvals under sec 39

Omit “constituted by a Magistrate sitting alone” from section 39AA (5).

[15] Section 39AA (9)

Omit “clerk”. Insert instead “registrar”.

[16] Section 57 Procedure

Omit “Clerk” from section 57 (4F) (a). Insert instead “registrar”.

[17] Section 57 (7)

Omit “clerk” wherever occurring. Insert instead “registrar”.

[18] Section 57 (7) (b)

Omit “, which for that purpose shall be constituted by a Magistrate or two or more justices”.

[19] Section 60 Cancellation of certificate of registration

Omit “any justice of the peace may summon” from section 60 (1).
Insert instead “a registrar of a Local Court may issue an application notice requiring”.

[20] Section 60 (1)

Omit “constituted by a Magistrate sitting alone”.

[21] Section 60 (2)

Omit “summons” where firstly occurring.
Insert instead “application notice”.

[22] Section 60 (2)

Omit “summons” where secondly and thirdly occurring.
Insert instead “notice”.

[23] Section 60 (4)

Omit “Clerk”. Insert instead “registrar”.

[24] Section 60AA Disqualification of former certificate of registration holders

Omit “a prescribed justice may summon” from section 60AA (2).
Insert instead “an authorised officer within the meaning of the *Criminal Procedure Act 1986* may issue an application notice requiring”.

[25] Section 60AA (2)

Omit “constituted by a Magistrate sitting alone”.

[26] Section 60AA (3) and (4)

Omit “summons” wherever occurring. Insert instead “notice”.

[27] Section 60AA (5)

Omit “Clerk”. Insert instead “registrar”.

[28] Section 87 Offences against Act

Omit “holden before a Magistrate” from section 87 (4).

[29] Section 87A Time for commencing proceedings

Omit “An information”. Insert instead “Proceedings”.

[30] Section 87A

Omit “laid”. Insert instead “commenced”.

[31] Section 87A

Omit “matter of the information arose”.
Insert instead “offence occurred”.

2.174 Protection of the Environment Operations Act 1997 No 156

[1] Section 204 Power of authorised officers to demand name and address

Omit “justice of the peace” from section 204 (3).
Insert instead “Magistrate or authorised officer within the meaning of the
Criminal Procedure Act 1986”.

[2] Section 204 (4)

Omit “justice of the peace”.
Insert instead “Magistrate or authorised officer”.

[3] Section 215 Proceedings for other offences

Omit “constituted by a Magistrate sitting alone” from section 215 (1) (a).

[4] Section 216 Time within which summary proceedings may be commenced

Omit “information or application” from section 216 (3).
Insert instead “court attendance notice”.

[5] Section 216 (5)

Omit “*Justices Act 1902*”.
Insert instead “*Criminal Procedure Act 1986*”.

[6] Section 268 Issue of noise abatement orders

Omit section 268 (1) and (2). Insert instead:

- (1) The occupier of any premises may apply to a Local Court for an order under this section.
- (1A) The application is to be commenced by the issue of an application notice and must allege that the occupier’s occupation of premises is affected by offensive noise.
- (2) Part 6 of the *Local Courts Act 1982* applies to an application under this section.

[7] Section 268 (3) (a)

Omit “defendant”. Insert instead “respondent under the application notice”.

[8] Section 268 (3) (b)

Omit “defendant”. Insert instead “respondent”.

[9] Section 280 Powers of entry by police by warrant

Omit the definition of *Magistrate* from section 280 (12). Insert instead:

Magistrate includes any other person who is an *authorised justice* within the meaning of the *Search Warrants Act 1985*.

[10] Section 290 Appeals regarding noise

Omit section 290 (2). Insert instead:

- (2) Parts 2, 3 and 5 of the *Crimes (Local Courts Appeal and Review) Act 2001* (as applied by section 64 of the *Local Courts Act 1982*) do not apply to a noise abatement order.

2.175 Public Lotteries Act 1996 No 86

[1] Section 75 Proceedings for offences

Omit “constituted by a Magistrate sitting alone”.

[2] Section 76 Time within which proceedings may be commenced

Omit “*Justices Act 1902*” from section 76 (2).
Insert instead “*Criminal Procedure Act 1986*”.

2.176 Public Works Act 1912 No 45

[1] Section 3 Definitions

Omit the definition of *Justice*.

[2] Section 84 Compensation to be made for temporary occupation

Omit “two justices” from section 84 (b). Insert instead “a Local Court”.

[3] Section 159 Proceedings for offences

Omit “constituted by a Magistrate sitting alone”.

2.177 Rail Safety Act 1993 No 50

[1] Section 86 Proceedings for offences

Omit “constituted by a Magistrate sitting alone” from section 86 (1) (a).

[2] Section 86 (3)

Omit “*Justices Act 1902*”. Insert instead “*Criminal Procedure Act 1986*”.

2.178 Registered Clubs Act 1976 No 31

[1] Section 4 Definitions

Omit the definition of *justice* from section 4 (1).

[2] Section 26 Taking of objection

Omit “justice” from section 26 (3) (a).

Insert instead “justice of the peace”.

[3] Section 42A Appeal to District Court from conviction

Omit “Division 4 of Part 5 of the *Justices Act 1902*”.

Insert instead “Divisions 1 and 3 of Part 3 of the *Crimes (Local Courts Appeal and Review) Act 2001*”.

[4] Section 42A

Omit “justice or justices”. Insert instead “Local Court”.

[5] Section 65 Proceedings for offences arising under this Act

Omit “constituted by a Magistrate” from section 65 (1) (b).

[6] Section 65 (2)

Omit “justices” wherever occurring. Insert instead “a Local Court”.

[7] Section 66A Attendance notices for offences

Omit the section.

[8] Section 67 Power to demand certain particulars from certain persons on premises of registered clubs

Omit “some justices” from section 67 (5).

Insert instead “a Magistrate or an authorised officer within the meaning of the *Criminal Procedure Act 1986*”.

2.179 Residential Tribunal Act 1998 No 168

[1] Section 39 Contempt of Tribunal

Omit “sections 152 and 152A of the *Justices Act 1902*” from section 39 (2).
Insert instead “sections 27A and 27B of the *Local Courts Act 1982*”.

[2] Schedule 2 Provisions relating to assessors

Omit “Justice has in the exercise of the functions of a Justice under the *Justices Act 1902*” from clause 3.

Insert instead “Magistrate has in the exercise of the functions of a Magistrate under the *Criminal Procedure Act 1986*”.

2.180 Road Transport (General) Act 1999 No 18

[1] Section 26 Effect of disqualification

Insert after section 26 (5):

- (6) Any period for which a stay of execution is in force under section 63 of the *Crimes (Local Courts Appeal and Review) Act 2001* is not to be taken into account when calculating the length of a period of disqualification under this Division.

[2] Section 30 Period of disqualification of habitual traffic offender

Insert after section 30 (8):

- (9) Any period for which a stay of execution is in force under section 63 of the *Crimes (Local Courts Appeal and Review) Act 2001* is not to be taken into account when calculating the length of a period of disqualification under this Division.

[3] Section 47 Proceedings for offences

Omit “constituted by a Magistrate sitting alone”.

2.181 Road Transport (Heavy Vehicles Registration Charges) Act 1995 No 72

[1] Section 33 Proceedings for offences

Omit “constituted by a Magistrate sitting alone”.

[2] Section 34 Particulars of orders to be sent to Authority

Omit “section 87 of the *Justices Act 1902*” from section 34 (2).
Insert instead “any other Act”.

2.182 Royal Commission (Police Service) Act 1994 No 60

[1] Section 29 Indemnities and undertakings

Omit “section 46” from section 29 (1). Insert instead “section 32”.

[2] Section 29 (2) and (3)

Omit “section 47” and “Section 47” wherever occurring.
Insert instead “section 33” and “Section 33” respectively.

[3] Section 38 Effect of pending proceedings

Omit “, justice of the peace” from section 38 (1).

[4] Section 41 Proceedings for offences

Omit “constituted by a Magistrate sitting alone” from section 41 (1).

2.183 Rural Fires Act 1997 No 65

[1] Section 134 Proceedings for offences

Omit “constituted by a Magistrate sitting alone” from section 134 (1).

[2] Section 134 (2)

Omit “Division 3 of Part 2”. Insert instead “Chapter 5”.

2.184 Rural Lands Protection Act 1998 No 143

[1] Section 204 Proceedings for offences

Omit “constituted by a Magistrate sitting alone” from section 204 (1).

[2] Section 205 Time within which summary proceedings may be commenced

Omit “*Justices Act 1902*” from section 205 (3).
Insert instead “*Criminal Procedure Act 1986*”.

2.185 Sale of Goods Act 1923 No 1

Section 5 Definitions

Omit “justice of the peace,” from the definition of *Court* in section 5 (1).

2.186 Search Warrants Act 1985 No 37

[1] Section 3 Definitions

Omit “justice of the peace who is a Clerk” from paragraph (b) of the definition of *authorised justice*.

Insert instead “registrar”.

[2] Section 3, definition of “authorised justice”

Omit “justice of the peace who is employed in the Department of Courts Administration” from paragraph (c).

Insert instead “person who is employed in the Attorney General’s Department”.

[3] Section 8 Search and arrest of persons pursuant to warrant

Omit “justice of the peace” from section 8 (b).

Insert instead “authorised officer within the meaning of the *Criminal Procedure Act 1986*”.

[4] Section 25 Proceedings for offences

Omit “constituted by a Magistrate sitting alone”.

2.187 Shops and Industries Act 1962 No 43

[1] Section 145 Proceedings

Omit “constituted by a Magistrate sitting alone” from section 145 (3) (a).

[2] Section 145A Failure to pay penalty etc is offence

Omit “Magistrate” from section 145A (1). Insert instead “Local Court”.

[3] Section 145B Payment of certain penalties enforceable as a debt

Omit the section.

2.188 Snowy Hydro Corporatisation Act 1997 No 99

[1] Section 51 Proceedings for offences

Omit “constituted by a Magistrate sitting alone” from section 51 (1) (a).

[2] Section 51 (3)

Omit “*Justices Act 1902*”. Insert instead “*Criminal Procedure Act 1986*”.

2.189 Strata Schemes Management Act 1996 No 138

[1] Section 200 Appeal to Supreme Court

Omit “Part 5 of the *Justices Act 1902*” from section 200 (2).

Insert instead “Part 5 of the *Crimes (Local Courts Appeal and Review) Act 2001*”.

[2] Section 200 (2)

Omit “Justice or Justices”. Insert instead “Local Court”.

[3] Section 200 (2)

Omit “an information or complaint”.

Insert instead “a court attendance notice”.

[4] Section 225 Proceedings for offences

Omit “constituted by a Magistrate sitting alone”.

[5] Section 244 Protection of Director-General, Adjudicator and Board

Omit “justice of the peace”. Insert instead “Magistrate”.

2.190 Suitors' Fund Act 1951 No 3

Section 6A Costs of proceedings not completed by reason of death of judge etc

Omit "judge, magistrate or justice" wherever occurring in section 6A (1).
Insert instead "judge or magistrate".

2.191 Summary Offences Act 1988 No 25

[1] Section 21 Search warrant

Omit "justice of the peace" from section 21 (2) (b).
Insert instead "Magistrate or an authorised officer within the meaning of the *Summary Offences Act 1988*".

[2] Section 28D Appeals to Local Court against refusals to return confiscated things

Omit section 28D (3).

[3] Section 32 Proceedings for offences

Omit "only before a Local Court constituted by a Magistrate sitting alone".
Insert instead "before a Local Court".

2.192 Supreme Court Act 1970 No 52

[1] Section 19 Definitions generally

Omit "by any justice or" from the definition of *stated case* in section 19 (1).

[2] Section 69B Other powers in relation to claimants for judicial review of convictions and sentences

Omit "*Justices Act 1902*" from section 69B (2).
Insert instead "*Crimes (Local Courts Appeal and Review) Act 2001*".

[3] Section 71A Powers of Court in relation to warrants in respect of convictions or orders of Local Court

Omit “Part 5 of the *Justices Act 1902*” from section 71A (9).

Insert instead “Part 5 of the *Crimes (Local Courts Appeal and Review) Act 2001*”.

[4] Section 72 Production of person confined

Omit “, justice” from section 72 (1).

[5] Section 75A Appeal

Omit section 75A (3). Insert instead:

(3) This section does not apply to:

- (a) an appeal to the Court under the *Crimes (Local Courts Appeal and Review) Act 2001*, or
- (b) to a case stated under the *Criminal Appeal Act 1912*.

[6] Section 101 Appeal in proceedings before the Court

Omit section 101 (2) (h). Insert instead:

- (h) an order of the Court in a Division on an appeal under Part 5 of the *Crimes (Local Courts Appeal and Review) Act 2001*,

[7] Third Schedule Criminal proceedings

Omit “section 51A of the *Justices Act 1902*” from paragraph (a2).

Insert instead “Division 5 of Part 2 of Chapter 3 of the *Criminal Procedure Act 1986*”.

2.193 Surveyors Act 1929 No 3

Section 22 Recovery of fees and penalties

Omit “any Magistrate or any two Justices sitting or acting as”.

2.194 Sydney Opera House Trust Act 1961 No 9

Section 28 By-laws

Omit “constituted by a Magistrate sitting alone or by any 2 justices” from section 28 (2A).

2.195 Sydney Water Catchment Management Act 1998 No 171

[1] Section 68 Disposal of proceedings for offences

Omit “constituted by a Magistrate sitting alone” from section 68 (1) (a).

[2] Section 69 Time within which proceedings may be commenced

Omit “*Justices Act 1902*” from section 69 (4).
Insert instead “*Criminal Procedure Act 1986*”.

2.196 Totalizator Act 1997 No 45

[1] Section 100 Proceedings for offences

Omit “constituted by a Magistrate sitting alone”.

[2] Section 101 Time within which proceedings may be commenced

Omit “*Justices Act 1902*” from section 101 (2).
Insert instead “*Criminal Procedure Act 1986*”.

2.197 Unauthorised Documents Act 1922 No 6

Section 4 Sending or delivering false process

Omit “justice” from the definition of *Tribunal* in section 4 (4).

2.198 Unlawful Gambling Act 1998 No 113

[1] Section 51 Proceedings for offences

Omit “constituted by a Magistrate sitting alone” from section 51 (1).

[2] Section 51 (2)

Omit “Division 3 of Part 2”. Insert instead “Chapter 5”.

2.199 Victims Support and Rehabilitation Act 1996 No 115

[1] Section 74 Payment of sum directed

Omit “*Justices Act 1902*”. Insert instead “*Criminal Procedure Act 1986*”.

[2] Section 77E Payment of sum directed

Omit “*Justices Act 1902*”. Insert instead “*Criminal Procedure Act 1986*”.

[3] Section 77E

Omit “or clerk”.

[4] Section 79 Imposition of compensation levy

Omit “section 51A of the *Justices Act 1902*” from section 79 (1) (a).
Insert instead “Division 5 of Part 2 of Chapter 3 of the *Criminal Procedure Act 1986*”.

2.200 Weapons Prohibition Act 1998 No 127

[1] Section 43 Proceedings for offences

Omit “constituted by a Magistrate sitting alone” from section 43 (1).

[2] Section 43 (2)

Omit “Division 3 of Part 2”. Insert instead “Chapter 5”.

2.201 Witness Protection Act 1995 No 87

[1] Section 41 Proceedings for offences

Omit “constituted by a Magistrate sitting alone” from section 41 (1).

[2] Section 41 (2)

Omit “Division 3 of Part 2”. Insert instead “Chapter 5”.

2.202 Women’s Legal Status Act 1918 No 50

Section 2 Positions for which there is no sex disqualification

Omit “chairman of Quarter Sessions, or a stipendiary or police magistrate” from section 2 (c).

Insert instead “a Magistrate”.

2.203 Wool, Hide and Skin Dealers Act 1935 No 40

[1] Section 12 Offences: penalty

Omit “before a Magistrate constituting a local court” from section 12 (3).

[2] Section 13 Appeal

Omit “Part 5A of the *Justices Act 1902*” from section 13 (2).

Insert instead “Part 3 of the *Crimes (Local Courts Appeal and Review) Act 2001*”.

2.204 Young Offenders Act 1997 No 54

[1] Section 8 Offences covered by Act

Omit “Division 3 of Part 2” from section 8 (1) (b).

Insert instead “Chapter 5”.

[2] Section 63 Proceedings for offences

Omit “constituted by a Magistrate sitting alone”.

2.205 Zoological Parks Board Act 1973 No 34

[1] Section 32 Recovery of penalty

Omit “constituted by a Magistrate sitting alone” from section 32 (1).

[2] Section 33 Compensation for loss, damage or injury

Omit section 33 (2). Insert instead:

- (2) Any such order is taken to be an ancillary money order within the meaning of Part 6 of the *Fines Act 1996*.