



New South Wales

District Court Legislation Amendment Bill 2025

Explanatory note

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

Overview of Bill

The objects of this Bill are as follows—

- (a) to amend the *District Court Act 1973* (***the Act***) to—
 - (i) establish the office of Deputy Chief Judge of the District Court of New South Wales (***the Court***), and
 - (ii) confer specified powers on the Chief Judge and Deputy Chief Judge of the Court to ensure the orderly and expeditious discharge of the business of the Court, and
 - (iii) provide that more than one Judicial Registrar may be appointed to the Court at a time, and
 - (iv) make other minor amendments to the Act,
- (b) to make consequential amendments to other Acts.

Outline of provisions

Clause 1 sets out the name, also called the short title, of the proposed Act.

Clause 2 provides for the commencement of the proposed Act.

Schedule 1 Amendment of District Court Act 1973 No 9

Schedule 1[8] provides for the office of Chief Judge of the Court. **Schedule 1[1] and [5]** make consequential amendments.

Schedule 1[9] provides for the appointment of one or more Judges to the office of Deputy Chief Judge of the Court, for respective terms of 5 years. The proposed amendment also provides that a Deputy Chief Judge may resign from the office of Deputy Chief Judge without resigning from the office of Judge, and that the Chief Judge may delegate powers to a Deputy Chief Judge.

Schedule 1[11] makes provision in relation to directions the Chief Judge and Deputy Chief Judges may give, including directions about which Judges are to exercise the Court's jurisdiction in specified matters or certain functions at proclaimed places, for the purposes of ensuring the orderly and expeditious discharge of the business of the Court. The proposed amendment also provides that a direction given by the Chief Judge prevails over a direction given by a Deputy Chief Judge. **Schedule 1[10]** makes a consequential amendment.

Schedule 1[12]–[15] and [17]–[20] provide for the appointment of more than one Judicial Registrar to the Court at a time.

Schedule 1[2]–[4], [6], [7] and [16] make consequential amendments to update language in accordance with current drafting practice.

Schedule 2 Consequential amendment of other Acts

Schedule 2.1 amends the definition of *officer* to include a Judicial Registrar of the Court for the *Civil Procedure Act 2005*.

Schedule 2.2 amends the definition of *judicial office* to include a Deputy Chief Judge of the Court for the *Constitution Act 1902*, Part 9.

Schedule 2.3 inserts Deputy Chief Judge as a public office for the *Statutory and Other Offices Remuneration Act 1975*, Schedule 1.



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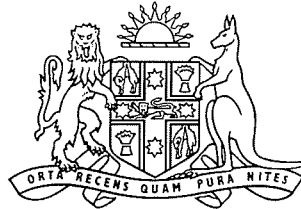
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This PUBLIC BILL, originated in the LEGISLATIVE ASSEMBLY and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

Legislative Assembly

Clerk of the Legislative Assembly



New South Wales

District Court Legislation Amendment Bill 2025

No , 2025

A Bill for

An Act to amend the *District Court Act 1973* to provide for the office of Deputy Chief Judge and related matters; and to make consequential amendments to other Acts.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with/without amendment.

Legislative Council

Clerk of the Parliaments

Tabling copy

The Legislature of New South Wales enacts—	1
1 Name of Act	2
This Act is the <i>District Court Legislation Amendment Act 2025</i> .	3
2 Commencement	4
This Act commences on the date of assent to this Act.	5

Schedule 1	Amendment of District Court Act 1973 No 9	1
[1] Part 2, Division 2, Subdivision 1		2
Insert after Part 2, Division 2, heading—		3
Subdivision 1	Composition of Court and appointment of Judges	4
[2] Section 13 Appointment and qualifications of Judges		5
Omit “if he or she” from section 13(3). Insert instead “if the Chief Magistrate”.		6
[3] Section 13(3)(a)		7
Omit “he or she”. Insert instead “the Chief Magistrate”.		8
[4] Section 13(3)(b) and (c)		9
Omit “his or her” wherever occurring. Insert instead “the Chief Magistrate’s”.		10
[5] Section 13(4)–(6)		11
Omit the subsections.		12
[6] Section 13(7)		13
Omit “he or she holds”. Insert instead “holding”.		14
[7] Section 13(8)		15
Omit “his or her” wherever occurring.		16
[8] Part 2, Division 2, Subdivision 2		17
Insert after section 15—		18
Subdivision 2	Chief Judge	19
15AA Office of Chief Judge		20
(1) The Governor may appoint a Judge to be Chief Judge—		21
(a) by the commission of a person’s appointment as a Judge, or		22
(b) by a subsequent commission under the public seal of the State.		23
(2) Subject to subsection (3), the Chief Judge holds office as long as the person holds office as a Judge.		24
(3) With the approval of the Governor, the Chief Judge may resign from the office of Chief Judge without resigning from the office of Judge.		25
[9] Part 2, Division 2, Subdivisions 3 and 4		26
Insert after section 17—		27
Subdivision 3	Deputy Chief Judges	28
17A Office of Deputy Chief Judge		29
(1) The Governor may, on the recommendation of the Attorney General and by a commission under the public seal of the State, appoint one or more Judges to be Deputy Chief Judge.		30
		31
		32
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	(2)	A Deputy Chief Judge is appointed for a term of 5 years and may be reappointed.	1 2
		Note— See section 15, which provides for the remuneration of Judges, including Deputy Chief Judges, in accordance with the <i>Statutory and Other Offices Remuneration Act 1975</i> .	3 4 5
	(3)	With the approval of the Governor, a Deputy Chief Judge may resign the office of Deputy Chief Judge without resigning from the office of Judge.	6 7
	(4)	A Deputy Chief Judge may exercise any power of the Chief Judge delegated to the Deputy Chief Judge, other than the power of delegation.	8 9
		Note— See also section 17, which provides for the Governor to appoint a Judge, including a Deputy Chief Judge, to be Acting Chief Judge.	10 11
	(5)	A Deputy Chief Judge may, while holding the office of Deputy Chief Judge, hold another judicial office of the State.	12 13
	(6)	If a Deputy Chief Judge, while holding the office of Deputy Chief Judge, holds another judicial office of the State, the Deputy Chief Judge is entitled to be paid the higher of the following—	14 15 16
		(a) remuneration in accordance with the <i>Statutory and Other Offices Remuneration Act 1975</i> , as provided for in section 15,	17 18
		(b) remuneration as the holder of the other judicial office.	19
	Subdivision 4	Acting Judges	20
[10]	Part 2, Division 4, heading		21
		Omit the heading. Insert instead—	22
	Division 4	Arrangement of business of Court	23
[11]	Section 18FAA		24
		Insert after section 18F—	25
	18FAA	Power to give directions for orderly and expeditious discharge of business of Court	26 27
	(1)	For the purposes of ensuring the orderly and expeditious discharge of the business of the Court, the Chief Judge and Deputy Chief Judges may give directions about the following—	28 29 30
		(a) the Judges who are to exercise the Court’s jurisdiction in specified matters or matters of a specified class,	31 32
		(b) the Judges who are to sit at proclaimed places and to exercise certain functions at the proclaimed places,	33 34
		(c) the matters or classes of matters that may be dealt with at the proclaimed places,	35 36
		(d) the specified functions to be exercised by specified Judges or Judges of a specified class.	37 38
	(2)	The Chief Judge may consult with other Judges as the Chief Judge considers appropriate and practicable before giving a direction.	39 40
	(3)	A direction given by the Chief Judge prevails, to the extent of any inconsistency, over a direction given by a Deputy Chief Judge.	41 42

[12] Part 2, Division 5, Subdivision 1, heading	1
Omit the heading. Insert instead—	2
Subdivision 1 Judicial Registrars	3
[13] Sections 18FA, 18FB and 18FC, headings	4
Omit “ Judicial Registrar ” wherever occurring. Insert instead “ Judicial Registrars ”.	5
[14] Sections 18FA(1), (2) and (6) and 18FC(1) and (2)	6
Omit “the Judicial Registrar” wherever occurring. Insert instead “a Judicial Registrar”.	7
[15] Sections 18FA(3) and (5) and 18FB(1)	8
Omit “The Judicial Registrar” wherever occurring. Insert instead “A Judicial Registrar”.	9
[16] Section 18FA(3)	10
Omit “his or her”. Insert instead “the Judicial Registrar’s”.	11
[17] Section 18FB(3)	12
Omit “by the Judicial Registrar”. Insert instead “by a Judicial Registrar”.	13
[18] Section 161(2)(a) and 171(2)(a)	14
Omit “the Judicial Registrar” wherever occurring. Insert instead “Judicial Registrars”.	15
[19] Schedule 1A, heading	16
Omit “ Judicial Registrar ”. Insert instead “ Judicial Registrars ”.	17
[20] Schedule 1A, clause 4(1)	18
Omit “office of Judicial Registrar”. Insert instead “office of a Judicial Registrar”.	19

Schedule 2	Consequential amendment of other Acts	1
2.1	Civil Procedure Act 2005 No 28	2
	Section 3 Definitions	3
	Omit “the Judicial Registrar” from section 3(1), definition of <i>officer</i> .	4
	Insert instead “a Judicial Registrar”.	5
2.2	Constitution Act 1902 No 32	6
	Section 52 Definition and application	7
	Insert “, Deputy Chief Judge” after “Chief Judge” in section 52(1), definition of <i>judicial office</i> , paragraph (d).	8 9
2.3	Statutory and Other Offices Remuneration Act 1975 (1976 No 4)	10
	Schedule 1 Public Offices	11
	Omit “Judge of the District Court, other than the Chief Judge”. Insert instead—	12
	Deputy Chief Judge of the District Court	13
	Judge of the District Court, other than the Chief Judge and Deputy Chief Judge	14