



New South Wales

Courts and Crimes Legislation Amendment Bill 2015

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 *Civil and Administrative Tribunal Act 2013*:
 - (i) to make further provision with respect to the powers of the Civil and Administrative Tribunal (*the Tribunal*) with respect to the representation of parties to proceedings, and
 - (ii) to rename the Health Practitioner Division List of the Occupational Division of the Tribunal as the Health Practitioner List, and
 - (iii) to enable a person who is a senior member (but not an Australian lawyer) to sit as one of the 3 members of an Appeal Panel determining an internal appeal against a decision made in the Guardianship Division of the Tribunal,
- (b) to amend the *Guardianship Act 1987*:
 - (i) to make further provision with respect to persons who are to be treated as parties to certain proceedings under that Act, and
 - (ii) to provide for alternative enduring guardians to be called substitute enduring guardians, and
 - (iii) to confer additional powers on the Tribunal in connection with the determination of proceedings under that Act, and
 - (iv) to enable a person to make an application to the Tribunal for a financial management order with respect to the person and to enable a person whose estate is subject to such an order to apply for a review of the appointment of a manager of the person's estate,

- (c) to amend the *Children's Court Act 1987*, *District Court Act 1973*, *Drug Court Act 1998*, *Dust Diseases Tribunal Act 1989* and *Local Court Act 2007* to enable the Attorney General to appoint an acting head of the Court or Tribunal during a vacancy or absence from duty of the head of the Court or Tribunal,
- (d) to amend the *District Court Act 1973*, *Industrial Relations Act 1996*, *Land and Environment Court Act 1979*, *Local Court Act 2007* and *Supreme Court Act 1970* to enable acting judicial officers to be appointed:
 - (i) for a period not exceeding 5 years (instead of the current 12 months), and
 - (ii) up to the age of 77 years (instead of the current 75 years),
- (e) to amend the *Land and Environment Court Act 1979* to enable acting commissioners to be appointed for a period not exceeding 5 years (instead of the current 12 months),
- (f) to amend the *Crimes (Administration of Sentences) Act 1999* to enable the Commissioner of Fines Administration and the Commissioner of Corrective Services to share certain information about inmates so as to identify any of their outstanding fines and to facilitate their participation in work and development orders to satisfy all or part of those fines,
- (g) to amend the *Jury Act 1977* to enable the sheriff to obtain a customer identification number allocated to a person by Roads and Maritime Services for the purpose of determining whether the person should be excluded from jury service,
- (h) to amend the *Land and Environment Court 1979* to extend the classes of proceedings in which judges of the Land and Environment Court of New South Wales may be assisted by commissioners to include Class 4 proceedings (Class 4 proceedings relate to environmental planning and protection and development contract civil enforcement),
- (i) to amend the *NSW Trustee and Guardian Act 2009* to enable the Mental Health Review Tribunal to revoke financial management orders made under the Act in respect of certain current or former patients admitted to mental health facilities,
- (j) to amend the *Oaths Act 1900* to enable justices of the peace to witness certain interstate and Commonwealth oaths, affidavits and statutory declarations,
- (k) to amend the *Trees (Disputes Between Neighbours) Act 2006* to extend the application of certain provisions relating to court orders in respect of high hedges that obstruct sunlight or views to land within a zone designated "rural-residential" under an environmental planning instrument,
- (l) to make amendments to certain legislation in the nature of statute law revision,
- (m) to make consequential amendments to certain legislation.

Outline of provisions

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

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Clause 3 makes it clear that the explanatory notes contained in the Schedules do not form part of the proposed Act.

Schedule 1 Amendments concerning Civil and Administrative Tribunal

The amendments to the legislation set out in Schedule 1 are explained in detail in the explanatory notes in the Schedule.

Schedule 2 Amendments concerning guardianship

The amendments to the legislation set out in Schedule 2 are explained in detail in the explanatory notes in the Schedule.

Schedule 3 Amendments concerning acting judicial officers

The amendments to the legislation set out in Schedule 3 are explained in detail in the explanatory notes in the Schedule.

Schedule 4 Other amendments

The amendments to the legislation set out in Schedule 4 are explained in detail in the explanatory notes in the Schedule.