

**COURTS AND OTHER MISCELLANEOUS LEGISLATION AMENDMENT BILL  
2013**

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**Bill introduced on motion by Mr Greg Smith, read a first time and printed.****Mr GREG SMITH** (Epping—Attorney General, and Minister for Justice) [3.15 p.m.]: I move:

That this bill be now read a second time.

The Government is pleased to introduce the Courts and Other Miscellaneous Legislation Amendment Bill 2013, which will make miscellaneous amendments to legislation affecting the operation of the courts of New South Wales and other legislation administered by the Attorney General and Minister for Justice. Schedule 1.1 to the bill amends various provisions in the Anti-Discrimination Act 1977. The amendments clarify that, for a complaint of indirect discrimination, there is no need to prove that a protected ground of discrimination under the Act is a reason for the discriminatory treatment, requirement or condition. These amendments reflect the New South Wales Court of Appeal decision in *Amery and Ors v. State of New South Wales (Director General New South Wales Department of Education and Training)*. The Court of Appeal considered the concept of indirect discrimination and its treatment in earlier cases.

Indirect discrimination includes acts, decisions or requirements, made by reference to criteria that are apparently non-discriminatory but that have a disparate impact on men and women. The Court of Appeal concluded that a requirement under subsection 24 (1) (b) that the discrimination be "on the ground of the aggrieved person's sex" is not consistent with the concept of indirect discrimination. The Court of Appeal concluded that the inclusion of these words in relation to sub-section 24 (1) (b) was a drafting error and should be ignored. The amendments in this bill reflect the decision in *Amery* regarding the correct interpretation of section 24 (1) of the Anti-Discrimination Act. Schedule 1.2 to the bill amends section 122 of the Civil Procedure Act 2005 to clarify how the maximum total payment under a wage or salary garnishee order is calculated. Section 122 of the Civil Procedure Act 2005 still refers to repealed section 37 (1) (a) (i) of the Workers Compensation Act 1987.

This was an oversight in the 2012 amendments to the Workers Compensation Act 1987. The amendment resolves this anomaly. Schedule 1.3 to the bill amends section 13 of the Dust Diseases Tribunal Act 1989 to enable the Chief Judge and President of the tribunal to delegate to another member of the tribunal functions relating to managing the proceedings list; namely, fixing the time, place and before whom proceedings are to be held. Schedule 1.4 to the bill will amend section 5BA of the Evidence (Audio and Audio Visual Links) Act 1998 to allow accused detainees to appear in first appearance bail proceedings via an audiovisual link during the Local Court annual conference and the Christmas-New Year period each year. The proposed amendment will facilitate greater efficiencies, particularly at times of the year when availability of staff is low and resources are limited.

Schedule 1.5 to the bill inserts section 11 (8) into the Fines Act 1996 to allow specified registrars of the district, local and children's courts to authorise employees of the Department of Attorney General and Justice to consider applications for further time to pay a court-imposed fine. Schedule 1.6 to the bill amends schedule 2 of the Government Information (Public Access) Act 2009 to exclude information relating to the functions of the DNA Review Panel, other than its functions relating to reporting and making recommendations to the Minister, from being accessed under that Act. This amendment will make it clear to potential applicants which information held by the panel cannot be the subject of an access application.

Schedule 1.7 to the bill amends section 25 of the Local Court Act 2007 and provides for the appointment of a legally qualified and admitted police prosecutor as a member of the Local Court Rule Committee when the committee is exercising its functions in respect of matters relating to the court's criminal jurisdiction. It is in the public interest to include a police representative on the committee when it considers criminal procedure rules. Schedule 1.8 to the bill amends section 66 of the Young Offenders Act 1997 to authorise the information exchanges necessary to commence the new Youth on Track scheme. In February 2013 I announced the innovative new Youth on Track scheme, which follows an early intervention model designed to prevent young people at risk of committing crimes from becoming entrenched in criminal behaviour.

Specifically, the bill authorises New South Wales police to provide information to officers of the Department of Attorney General and Justice about warnings, cautions and conferences given to young people under the Young Offenders Act. This information includes criminal history, current offence details and the nature of previous contact with New South Wales police. The bill also authorises officers in the Department of Attorney General and Justice to enter arrangements permitting the provision of information about young people to non-government organisations engaged to provide services as part of Youth on Track. I commend the bill to the House.

**Debated adjourned on motion by Mr Paul Lynch and set down as an order of the day for a future day.**