



New South Wales

# Courts and Other Legislation Further Amendment Bill 2012

## 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 *Births, Deaths and Marriages Registration Act 1995* to empower the Registrar of Births, Deaths and Marriages to allow officers of law enforcement agencies to have access to applications to register the change of a person's name and not just to completed changes of name entries in the Register (as at present),
- (b) to amend the *Children (Community Service Orders) Act 1987* and the *Children (Detention Centres) Act 1987* to allow the State Debt Recovery Office and the Juvenile Justice division of the Department of Attorney General and Justice to share certain limited information about young people in the juvenile justice system who have outstanding fines,
- (c) to amend the *Children's Court Act 1987* to omit the requirement for the President of the Children's Court to oversee, in accordance with the rules, the courses of training to be attended by Children's Magistrates and prospective Children's Magistrates, as there are currently no rules relating to such training,

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- (d) to repeal Part 2A of the *Civil Procedure Act 2005* (which requires steps to be taken to resolve a dispute by agreement, or to clarify or narrow issues in dispute, before commencing court action, and is not yet in operation) and to omit a provision of the *Civil Procedure Regulation 2012* that relates to that Part,
- (e) to amend the *Court Security Act 2005* to prohibit the unauthorised use of any device (including a phone) to transmit sounds, images or information forming part of the proceedings of a court from a room or place where a court is sitting to a place outside that room or place,
- (f) to amend the *Crimes (Appeal and Review) Act 2001* to specify the ways in which the Supreme Court can determine an appeal by a prosecutor against an order for costs made by the Local Court against the prosecutor in any summary proceedings,
- (g) to amend the *Fines Act 1996* to allow for a delegate of the Director-General of the Department of Attorney General and Justice to approve the organisations that can sponsor applicants for work and development orders (that is, orders requiring a person to undertake unpaid work or training or counselling to satisfy a fine debt), as an alternative to approval by the Director-General, which is presently permissible,
- (h) to repeal the *Inebriates Act 1912* (since the *Drug and Alcohol Treatment Act 2007* now applies to the whole of the State, the *Inebriates Act 1912* has no remaining operation in relation to adults and the continued operation of the Act in relation to minors is not considered appropriate),
- (i) to amend uncommenced amendments of the *Jury Act 1977* to continue the current ineligibility of Australian lawyers to serve as jurors and the current right of people who care for a person who is sick, infirm or disabled to claim an exemption from serving on a jury,
- (j) to amend the *Land and Environment Court Act 1979* to provide that a Commissioner of the Land and Environment Court whose term of appointment has expired can complete or otherwise continue to deal with any matters relating to proceedings or conciliation conferences that have been heard or partly heard, or conducted or partly conducted, before the expiry of the Commissioner's term,
- (k) to amend the *NSW Trustee and Guardian Act 2009* to clarify that a provision that prohibits the NSW Trustee and Guardian from accepting a trust under a deed of arrangement only applies to deeds of arrangement for the benefit of creditors,
- (l) to amend the *Probate and Administration Act 1898* to provide for certain matters to be approved rather than prescribed by the rules,
- (m) to make minor amendments to standardise provisions about acting judicial officers, to update terminology, to omit references to the repealed *Inebriates Act 1912* and to deal with other matters of a statute law revision nature.

## 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, except for the amendments to the *Court Security Act 2005*, which commence on a day to be appointed by proclamation.

**Clause 3** makes it clear that the explanatory notes contained in proposed Schedule 1 do not form part of the proposed Act.

## **Schedule 1      Amendment and repeal of legislation**

**Schedule 1** makes the amendments, and effects the repeal, described in the Overview. The amendments and repeal are explained in detail in the explanatory note set out in Schedule 1 that relates to the Act or Regulation concerned.