

DISTRICT COURTS (AMENDMENT) BILL, 1964.

EXPLANATORY NOTE.

THE objects of this Bill are—

- (a) to provide that appointments of bailiffs to the District Court of the Metropolitan District holden at Sydney, and of any other District Court that may be prescribed, shall be made solely under and subject to the Public Service Act, 1902, as amended by subsequent Acts;
- (b) to vary the provisions of the District Courts Act, 1912, as amended by subsequent Acts, relating to the remuneration of bailiffs holding office under that Act, as so amended;
- (c) to make other provisions ancillary to and consequential upon the foregoing.

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The following information was obtained from the records of the Department of the Interior, Bureau of Land Management, regarding the land in question:

The land in question is situated in the County of ... State of ... and is owned by ... The land is described as follows: ...

The land is situated in the ... and is bounded by ... The land is of the size of ... and is situated in the ...

The land is situated in the ... and is bounded by ... The land is of the size of ... and is situated in the ...

EXHIBIT NO. 10

DEPARTMENT OF THE INTERIOR (BUREAU OF LAND MANAGEMENT) WASHINGTON, D. C.

PROOF

No. , 1964.

A BILL

To provide that appointments of bailiffs of certain District Courts shall be made under and subject to the Public Service Act, 1902, as amended by subsequent Acts; for this and other purposes to amend the District Courts Act, 1912, as amended by subsequent Acts; and for purposes connected therewith.

[MR. MANNIX;—29 October, 1964.]

BE

District Courts (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. (1) This Act may be cited as the "District Courts (Amendment) Act, 1964".

Short title, citation and commencement.

(2) The District Courts Act, 1912, as amended by subsequent Acts and by this Act, may be cited as the District Courts Act, 1912-1964.

(3) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2. The District Courts Act, 1912, as amended by subsequent Acts, is amended—

Amendment of Act No. 23, 1912.

(a) (i) by inserting at the end of subsection two of section twenty-six the following new paragraph :—

Sec. 26. (Appointment of bailiffs and bailiff's assistants.)

20

No person shall, by virtue of this subsection, be or act as a bailiff of the District Court of the Metropolitan District holden at Sydney or of any District Court specified in a proclamation under subsection (2A) of this section.

25

(ii) by inserting next after the same subsection the following new subsection :—

30

(2A) The Governor may, under and subject to the Public Service Act, 1902, as amended by subsequent Acts, appoint a bailiff or bailiffs of the District Court of the Metropolitan District holden at Sydney and a bailiff or bailiffs of any District Court specified in a proclamation made by the Governor and published in the Gazette for the purposes of this subsection.

(iii)

District Courts (Amendment).

(iii) by inserting in subsection three of the same section after the word "two" where firstly occurring the word, figure and symbols "or (2A)";

5 (iv) by inserting in the same subsection after the word "section" where secondly occurring the words "but shall not be exercised in respect of the District Court of the Metropolitan District holden at Sydney or in respect of a
10 District Court specified in a proclamation under subsection (2A) of this section";

(v) by inserting next after the same subsection the following new subsections : —

15 (3A) Where, at the commencement of the District Courts (Amendment) Act, 1964, any person holds office, under subsection three of this section, as a bailiff, or, under subsection four of this section, as an assistant to a bailiff, of the District Court of the Metropolitan
20 District holden at Sydney, he shall upon that commencement cease to hold that office.

25 (3B) Where, at the date of any proclamation under subsection (2A) of this section, any person holds office, under subsection three of this section, as a bailiff, or, under subsection four of this section, as an assistant to a bailiff, of the District Court specified in that proclamation, he shall upon that date cease to hold that office.

30 (vi) by inserting in subsection four of the same section after the word "bailiff" where firstly occurring the words "appointed under subsection three of this section";

35 (b) by inserting in section twenty-seven after the word "bailiff" where firstly occurring the words "appointed under subsection three of section twenty-six of this Act";

Sec. 27.
(Bailiff's assistants may act after the death or removal of bailiff.)

(c)

District Courts (Amendment).

- (c) (i) by omitting subsection one of section twenty-nine and by inserting in lieu thereof the following subsections :—

Sec. 29.
(Remuneration of bailiffs.)

5 (1) Subject to subsection (1A) of this section, a bailiff appointed under subsection three of section twenty-six of this Act shall be entitled to receive and retain for his own use all fees and sums of money payable under this Act under the description of "bailiff's fees" out of which he shall meet the expenses of the execution of the duties or services for which such fees or moneys are payable, and the payment of officers appointed to assist him.

15 (1A) The fees upon execution shall not be paid by the registrar of the court to the bailiff until the return of the writ of execution.

20 (ii) by omitting from subsection two of the same section the words "The fees upon execution shall be paid by the registrar of the court to the bailiff upon the return of the writ of execution, but not before, and every such bailiff" and by inserting in lieu thereof the words "A bailiff appointed under subsection three of section twenty-six of this Act";

- (d) by inserting at the end of section thirty the following new subsection :—

Sec. 30.
(Disabilities of registrar and bailiff.)

30 (3) Nothing in this section precludes a person appointed, under subsection (2A) of section twenty-six of this Act, as a bailiff of a District Court from acting as a bailiff of that Court.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1964

No. , 1964.

A BILL

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[MR. MANNIX;—29 *October*, 1964.]

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Amendment of Act No. 23, 1912.

(a) (i) by inserting at the end of subsection two of section twenty-six the following new paragraph : —

Sec. 26. (Appointment of bailiffs and bailiff's assistants.)

No person shall, by virtue of this subsection, be or act as a bailiff of the District Court of the Metropolitan District holden at Sydney or of any District Court specified in a proclamation under subsection (2A) of this section.

(ii) by inserting next after the same subsection the following new subsection : —

(2A) The Governor may, under and subject to the Public Service Act, 1902, as amended by subsequent Acts, appoint a bailiff or bailiffs of the District Court of the Metropolitan District holden at Sydney and a bailiff or bailiffs of any District Court specified in a proclamation made by the Governor and published in the Gazette for the purposes of this subsection.

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- (iii) by inserting in subsection three of the same section after the word "two" where firstly occurring the word, figure and symbols "or (2A)";
- 5 (iv) by inserting in the same subsection after the word "section" where secondly occurring the words "but shall not be exercised in respect of the District Court of the Metropolitan District holden at Sydney or in respect of a
- 10 District Court specified in a proclamation under subsection (2A) of this section";
- (v) by inserting next after the same subsection the following new subsections :—
- 15 (3A) Where, at the commencement of the District Courts (Amendment) Act, 1964, any person holds office, under subsection three of this section, as a bailiff, or, under subsection
- 20 four of this section, as an assistant to a bailiff, of the District Court of the Metropolitan District holden at Sydney, he shall upon that commencement cease to hold that office.
- (3B) Where, at the date of any proclamation under subsection (2A) of this section, any
- 25 person holds office, under subsection three of this section, as a bailiff, or, under subsection four of this section, as an assistant to a bailiff, of the District Court specified in that proclamation, he shall upon that date cease to hold that office.
- 30 (vi) by inserting in subsection four of the same section after the word "bailiff" where firstly occurring the words "appointed under subsection three of this section";
- 35 (b) by inserting in section twenty-seven after the word "bailiff" where firstly occurring the words "appointed under subsection three of section twenty-six of this Act";
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