

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.

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 15 March, 1972.*

New South Wales



ANNO VICESIMO PRIMO

ELIZABETHÆ II REGINÆ

Act No. , 1972.

An Act to provide that the rules of equity shall prevail over the rules of the common law in cases of conflict or variance; to extend the defences available in inferior courts; to repeal certain sections of the District Courts Act, 1912, and the Supreme Court Act, 1970; and for purposes connected therewith.

BE

Law Reform (Law and Equity).

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
5 follows:—

1. This Act may be cited as the "Law Reform (Law and Short title.
Equity) Act, 1972".

2. This Act shall commence on a day to be appointed Commence-
by the Governor and notified by proclamation published in ment.
10 the Gazette.

3. (1) Section seventy-four of the District Courts Act, Repeal
1912, is repealed, but this repeal does not affect proceedings and
commenced in a district court before the commencement of amendment.
this Act.

15 (2) Section sixty-four of the Supreme Court Act,
1970, is repealed.

(3) Section sixty-two of the Supreme Court Act, 1970,
is amended by inserting after the word "equity," the words
"and subject to section five of the Law Reform (Law and
20 Equity) Act, 1972,".

4. Sections five, six and seven of this Act do not apply Application.
in proceedings commenced in any court before the com-
mencement of this Act, but do apply in proceedings com-
menced after the commencement of this Act, no matter when
25 the events happen which give rise to the proceedings.

Law Reform (Law and Equity).

- 5 **5.** In all matters in which there was immediately before the commencement of this Act or is any conflict or variance between the rules of equity and the rules of common law relating to the same matter, the rules of equity shall prevail. Rules of equity to prevail. 15 & 16 Geo. 5, c. 49, s. 44; Act No. 52, 1970, s. 64.
- 5 **6.** Every inferior court shall in every proceeding before it give such and the like effect to every ground of defence, equitable or legal, in as full and ample a manner as might and ought to be done in the like case by the Supreme Court under the Supreme Court Act, 1970. Defence in inferior court. 15 & 16 Geo. 5, c. 49, s. 202.
- 10 **7.** This Act does not enlarge the jurisdiction of any court as regards the nature or extent of the relief available in that court, but any court may, for the purpose of giving effect to sections five and six of this Act, postpone the grant of any relief, or grant relief subject to such terms and conditions as 15 the nature of the case requires. Jurisdiction as to relief not enlarged.

BY AUTHORITY

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1972

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No. , 1972.

A BILL

To provide that the rules of equity shall prevail over the rules of the common law in cases of conflict or variance; to extend the defences available in inferior courts; to repeal certain sections of the District Courts Act, 1912, and the Supreme Court Act, 1970; and for purposes connected therewith.

[MR McCaw—2 March, 1972.]

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- 15 the nature of the case requires.

BY AUTHORITY

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1972

Act on Reform of Law and Justice

The purpose of this Act is to reform the law and justice system in order to improve the efficiency and effectiveness of the legal system and to ensure that the law is applied fairly and consistently.

1. The Ministry of Justice shall be responsible for the implementation of this Act. It shall also be responsible for the coordination of the various measures taken to reform the law and justice system.

10. This Act shall be applied to all cases pending at the time of its promulgation. It shall also be applied to all cases arising after the date of its promulgation.

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PROOF

LAW REFORM (LAW AND EQUITY) BILL, 1972

EXPLANATORY NOTE

THE objects of this Bill are—

- (a) to provide that rules of equity shall in all matters prevail over rules of common law in case of conflict or variance between those rules;
- (b) to require inferior courts to give effect both to equitable and legal defences in the same manner as the Supreme Court;
- (c) to make other provisions of a consequential or ancillary nature.

PROOF

LAW REFORM (LAW AND EQUITY) BILL, 1972

EXPLANATORY NOTE

The objects of this Bill are—

- (a) to provide that rules of equity shall in all cases prevail over rules of common law in cases of conflict or where there is a conflict between those rules;
- (b) to require inferior courts to give effect to the provisions of the Bill in the same manner as the Supreme Court;
- (c) to make other provisions of a consequential or remedial nature.

PROOF

No. , 1972.

A BILL

To provide that the rules of equity shall prevail over the rules of the common law in cases of conflict or variance; to extend the defences available in inferior courts; to repeal certain sections of the District Courts Act, 1912, and the Supreme Court Act, 1970; and for purposes connected therewith.

[Mr McCaw—2 March, 1972.]

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Law Reform (Law and Equity).

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
5 follows : —

1. This Act may be cited as the "Law Reform (Law and Short title.
Equity) Act, 1972".

2. This Act shall commence on a day to be appointed Commence-
by the Governor and notified by proclamation published in ment.
10 the Gazette.

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1912, is repealed, but this repeal does not affect proceedings and
commenced in a district court before the commencement of amendment.
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1970, is repealed.

(3) Section sixty-two of the Supreme Court Act, 1970,
is amended by inserting after the word "equity," the words
"and subject to section five of the Law Reform (Law and
20 Equity) Act, 1972,".

4. Sections five, six and seven of this Act do not apply Application.
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menced after the commencement of this Act, no matter when
25 the events happen which give rise to the proceedings.

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- 5 **6.** Every inferior court shall in every proceeding before it give such and the like effect to every ground of defence, equitable or legal, in as full and ample a manner as might and ought to be done in the like case by the Supreme Court under the Supreme Court Act, 1970. Defence in inferior court. 15 & 16 Geo. 5, c. 49, s. 202.
- 10 **7.** This Act does not enlarge the jurisdiction of any court as regards the nature or extent of the relief available in that court, but any court may, for the purpose of giving effect to sections five and six of this Act, postpone the grant of any relief, or grant relief subject to such terms and conditions as Jurisdiction as to relief not enlarged.
- 15 the nature of the case requires.

BY AUTHORITY

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1972

Law Reform (Law and Equity)

The Law Reform Commission has recommended that the law of equity should be reformed so as to bring it into line with the law of tort and contract.

It is the object of this Bill to give effect to the recommendations of the Commission in relation to the law of equity.

10. The Law Reform Commission has recommended that the law of equity should be reformed so as to bring it into line with the law of tort and contract.

BY APPOINTMENT
GOVERNOR GENERAL

LAW REFORM (LAW AND EQUITY) BILL, 1972

EXPLANATORY NOTE

THE objects of this Bill are—

- (a) to provide that rules of equity shall in all matters prevail over rules of common law in case of conflict or variance between those rules;
- (b) to require inferior courts to give effect both to equitable and legal defences in the same manner as the Supreme Court;
- (c) to make other provisions of a consequential or ancillary nature.

LAW REFORM (LAW AND EQUITY) BILL, 1972

EXPLANATORY NOTE

The objects of this Bill are—

- (a) to provide that rules of equity shall in all cases be applied over rules of common law in case of conflict or variance between those rules;
- (b) to require inferior courts to give effect to both the common law and equity in the same manner as the Supreme Court;
- (c) to make other provisions of a consequential or remedial nature.

PROOF

No. , 1972.

A BILL

To provide that the rules of equity shall prevail over the rules of the common law in cases of conflict or variance; to extend the defences available in inferior courts; to repeal certain sections of the District Courts Act, 1912, and the Supreme Court Act, 1970; and for purposes connected therewith.

[Mr McCaw—2 March, 1972.]

BE

Law Reform (Law and Equity).

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
5 follows : —

1. This Act may be cited as the "Law Reform (Law and Short title.
Equity) Act, 1972".

2. This Act shall commence on a day to be appointed Commence-
by the Governor and notified by proclamation published in ment.
10 the Gazette.

3. (1) Section seventy-four of the District Courts Act, Repeal
1912, is repealed, but this repeal does not affect proceedings and
commenced in a district court before the commencement of amendment.
this Act.

15 (2) Section sixty-four of the Supreme Court Act,
1970, is repealed.

(3) Section sixty-two of the Supreme Court Act, 1970,
is amended by inserting after the word "equity," the words
"and subject to section five of the Law Reform (Law and
20 Equity) Act, 1972,".

4. Sections five, six and seven of this Act do not apply Application.
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menced after the commencement of this Act, no matter when
25 the events happen which give rise to the proceedings.

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- 5 **6.** Every inferior court shall in every proceeding before it give such and the like effect to every ground of defence, equitable or legal, in as full and ample a manner as might and ought to be done in the like case by the Supreme Court under the Supreme Court Act, 1970. Defence in inferior court. 15 & 16 Geo. 5, c. 49, s. 202.
- 10 **7.** This Act does not enlarge the jurisdiction of any court as regards the nature or extent of the relief available in that court, but any court may, for the purpose of giving effect to sections five and six of this Act, postpone the grant of any relief, or grant relief subject to such terms and conditions as Jurisdiction as to relief not enlarged.
15 the nature of the case requires.

BY AUTHORITY

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1972

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I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 21 March, 1972.*

New South Wales



ANNO VICESIMO PRIMO

ELIZABETHÆ II REGINÆ

Act No. 28, 1972.

An Act to provide that the rules of equity shall prevail over the rules of the common law in cases of conflict or variance; to extend the defences available in inferior courts; to repeal certain sections of the District Courts Act, 1912, and the Supreme Court Act, 1970; and for purposes connected therewith. [Assented to, 11th April, 1972.]

BE

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

L. A. PUNCH,
Chairman of Committees of the Legislative Assembly.

Law Reform (Law and Equity).

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:—

Short title. 1. This Act may be cited as the "Law Reform (Law and Equity) Act, 1972".

Commence-
ment. 2. This Act shall commence on a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Repeal
and
amendment. 3. (1) Section seventy-four of the District Courts Act, 1912, is repealed, but this repeal does not affect proceedings commenced in a district court before the commencement of this Act.

(2) Section sixty-four of the Supreme Court Act, 1970, is repealed.

(3) Section sixty-two of the Supreme Court Act, 1970, is amended by inserting after the word "equity," the words "and subject to section five of the Law Reform (Law and Equity) Act, 1972."

Application. 4. Sections five, six and seven of this Act do not apply in proceedings commenced in any court before the commencement of this Act, but do apply in proceedings commenced after the commencement of this Act, no matter when the events happen which give rise to the proceedings.

5.

Law Reform (Law and Equity).

5. In all matters in which there was immediately before the commencement of this Act or is any conflict or variance between the rules of equity and the rules of common law relating to the same matter, the rules of equity shall prevail. Rules of equity to prevail. 15 & 16 Geo. 5, c. 49, s. 44; Act No. 52, 1970, s. 64.
6. Every inferior court shall in every proceeding before it give such and the like effect to every ground of defence, equitable or legal, in as full and ample a manner as might and ought to be done in the like case by the Supreme Court under the Supreme Court Act, 1970. Defence in inferior court. 15 & 16 Geo. 5, c. 49, s. 202.
7. This Act does not enlarge the jurisdiction of any court as regards the nature or extent of the relief available in that court, but any court may, for the purpose of giving effect to sections five and six of this Act, postpone the grant of any relief, or grant relief subject to such terms and conditions as the nature of the case requires. Jurisdiction as to relief not enlarged.

In the name and on behalf of Her Majesty I assent to this Act.

L. J. HERRON, C.J.
*By Deputation from
His Excellency the Governor.*

*Government House,
Sydney, 11th April, 1972.*

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Law Reform (Civil Law) Bill

The Bill is intended to amend the law relating to the... (faint text)

The Bill is intended to amend the law relating to the... (faint text)

The Bill is intended to amend the law relating to the... (faint text)

The Bill is intended to amend the law relating to the... (faint text)

The Bill is intended to amend the law relating to the... (faint text)

Enacted by the Parliament of the United Kingdom