

**SUPREME COURT (AMENDMENT) ACT,
1979, No. 88**

New South Wales



ANNO VICESIMO OCTAVO

ELIZABETHÆ II REGINÆ

Act No. 88, 1979.

An Act to amend the Supreme Court Act, 1970, in relation to the establishment of a Criminal Division of the Supreme Court, the appointment of the Chief Judges and the Probate Judge of the Court, and the administration of the Divisions of the Court. [Assented to, 16th May, 1979.]

Supreme Court (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 :—

Short title. **1.** This Act may be cited as the "Supreme Court (Amendment) Act, 1979".

Commence- **2.** (1) Except as provided in subsections (2) and (3), this
ment. Act shall commence on the date of assent to this Act.

(2) Section 3 shall, in its application to a provision of Schedule 1, commence on the day on which that provision commences.

(3) Schedule 1, except Schedule 1 (2) (a), shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Amend- **3.** The Supreme Court Act, 1970, is amended in the manner
ment of set forth in Schedule 1.
Act No.
52, 1970.

Tran- **4.** Unless the Supreme Court otherwise orders, the amend-
sitional ments made by this Act do not apply to, or affect, any proceedings
provision. pending in the Court as at the day appointed and notified under
 section 2 (3).

Supreme Court (Amendment).

SCHEDULE 1.

Sec. 3.

AMENDMENTS TO THE SUPREME COURT ACT, 1970.

(1) Section 17 (3)—

After “7,” insert “41, 53, 54, 55,”.

(2) (a) Section 28 (1)—

Omit “, nominated in that behalf by the Chief Justice,”.

(b) Section 28 (1), (2), (4)—

After “Division” wherever occurring, insert “, Chief Judge of the Criminal Division”.

(c) Section 28 (3)—

After “Division”, insert “, the Chief Judge of the Criminal Division”.

(3) (a) Section 38 (b) (vi)—

Omit “and”.

(b) Section 38 (b) (vii)—

Omit “Division.”, insert instead “Division; and”.

(c) Section 38 (b) (viii)—

After section 38 (b) (vii), insert :—

(viii) the Criminal Division.

Supreme Court (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE SUPREME COURT ACT, 1970—*continued.*

(4) (a) Section 39 (2) (c)—

After “shall”, insert “, subject to subsection (2A),”.

(b) Section 39 (2A)—

After section 39 (2), insert :—

(2A) Subject to any arrangement made as provided by subsection (2) (a), a Chief Judge shall be responsible to the Chief Justice for, and be subject to the direction of the Chief Justice in respect of, the transaction of the business and the administration of his Division.

(5) (a) Section 41 (1) (f)—

Omit “that Division.”, insert instead “that Division;”.

(b) Section 41 (1) (g)—

After section 41 (1) (f), insert :—

(g) in the Criminal Division by the Chief Judge of that Division and such other Judge or Judges as may be nominated by the Chief Justice to act in that Division.

(6) (a) Section 53 (1)—

Omit “and the Administrative Law Division”, insert instead “, the Administrative Law Division and the Criminal Division”.

Supreme Court (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE SUPREME COURT ACT, 1970—*continued.*

(b) Section 53 (3D)—

After section 53 (3C), insert :—

(3D) Subject to the rules, there shall be assigned to the Criminal Division the proceedings in the Court which are specified in the Third Schedule, other than proceedings in the Court under the Criminal Appeal Act, 1912.

(7) Third Schedule, heading—

Omit "EXCLUDED".

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

L. W. STREET,
*By Deputation from
His Excellency the Governor.*

*Government House,
Sydney, 16th May, 1979.*







SUPREME COURT (AMENDMENT) BILL, 1979

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to amend the Supreme Court Act, 1970—

- (a) to remove the requirement that a Judge of the Supreme Court be nominated by the Chief Justice before being appointed by the Governor as a Chief Judge or as a Probate Judge (Schedule 1 (2) (a));
 - (b) to establish a Criminal Division as a separate Division of the Supreme Court (Schedule 1 (2) (b) and (c), (3), (5) and (6));
 - (c) to affirm that the transaction of business within the Divisions of the Supreme Court, and the administration of the Divisions, is subject to the direction of the Chief Justice (Schedule 1 (4)); and
 - (d) to make other amendments of a minor, consequential or ancillary nature.
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- (a) to remove the requirement that a Judge of the Supreme Court be nominated by the Chief Justice being nominated by the Government as a Chief Judge or as a Probate Judge (Schedule 1 (2)(a));
 - (b) to establish a Criminal Division as a separate Division of the Supreme Court (Schedule 1 (2) (b) and (c), (3) and (4));
 - (c) to allow that the transaction of business within the Division of the Supreme Court and the administration of the Division is subject to the direction of the Chief Justice (Schedule 1 (4)); and
 - (d) to make other amendments of a minor, consequential or ancillary nature.

SUPREME COURT (AMENDMENT) BILL, 1979

No. , 1979.

A BILL FOR

An Act to amend the Supreme Court Act, 1970, in relation to the establishment of a Criminal Division of the Supreme Court, the appointment of the Chief Judges and the Probate Judge of the Court, and the administration of the Divisions of the Court.

[MR F. J. WALKER—23 *April*, 1979.]

Supreme Court (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 :—

5 1. This Act may be cited as the "Supreme Court (Amend- Short title.
ment) Act, 1979".

2. (1) Except as provided in subsections (2) and (3), this Commence-
Act shall commence on the date of assent to this Act. ment.

(2) Section 3 shall, in its application to a provision of
10 Schedule 1, commence on the day on which that provision com-
mences.

(3) Schedule 1, except Schedule 1 (2) (a), shall com-
mence on such day as may be appointed by the Governor in
respect thereof and as may be notified by proclamation published
15 in the Gazette.

3. The Supreme Court Act, 1970, is amended in the manner Amend-
set forth in Schedule 1. ment of
Act No.
52, 1970.

4. Unless the Supreme Court otherwise orders, the amend- Tran-
ments made by this Act do not apply to, or affect, any proceedings sitional
20 pending in the Court as at the day appointed and notified under provision.
section 2 (3).

Supreme Court (Amendment).

SCHEDULE 1.

Sec. 3.

AMENDMENTS TO THE SUPREME COURT ACT, 1970.

(1) Section 17 (3)—

After “7”, insert “41, 53, 54, 55,”.

5 (2) (a) Section 28 (1)—

Omit “, nominated in that behalf by the Chief Justice,”.

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10 After “Division” wherever occurring, insert “, Chief Judge of the Criminal Division”.

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After section 38 (b) (vii), insert :—

20 (viii) the Criminal Division.

Supreme Court (Amendment).

SCHEDULE 1—*continued*.

AMENDMENTS TO THE SUPREME COURT ACT, 1970—*continued*.

(4) (a) Section 39 (2) (c)—

After “shall”, insert “, subject to subsection (2A).”.

5 (b) Section 39 (2A)—

After section 39 (2), insert :—

10 (2A) Subject to any arrangement made as provided by subsection (2) (a), a Chief Judge shall be responsible to the Chief Justice for, and be subject to the direction of the Chief Justice in respect of, the transaction of the business and the administration of his Division.

(5) (a) Section 41 (1) (f)—

Omit “that Division.”, insert instead “that Division;”.

15 (b) Section 41 (1) (g)—

After section 41 (1) (f), insert :—

20 (g) in the Criminal Division by the Chief Judge of that Division and such other Judge or Judges as may be nominated by the Chief Justice to act in that Division.

(6) (a) Section 53 (1)—

Omit “and the Administrative Law Division”, insert instead “, the Administrative Law Division and the Criminal Division”.

Supreme Court (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE SUPREME COURT ACT, 1970—*continued.*

(b) Section 53 (3D)—

After section 53 (3C), insert :—

- 5 (3D) Subject to the rules, there shall be assigned to the Criminal Division the proceedings in the Court which are specified in the Third Schedule, other than proceedings in the Court under the Criminal Appeal Act, 1912.

10 (7) Third Schedule, heading—

Omit "EXCLUDED".

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1979

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