

CONCURRENCE COPY

DISTRICT COURT (AMENDMENT) BILL, 1982

EXPLANATORY NOTE

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

The Courts of Petty Sessions (Civil Claims) Amendment Bill, 1982, is cognate with this Bill.

The objects of this Bill are—

- (a) to increase from \$20,000 to \$100,000 the upper monetary limit of the civil jurisdiction of the District Court, and to extend the jurisdiction of that Court to decide title to land and its jurisdiction under the Frustrated Contracts Act, 1978, and the Contracts Review Act, 1980 (Schedule 1 (1));
 - (b) to increase from \$750 to \$2,000 the lower limit of judgment amounts for which costs may be recovered in the District Court without a special order of the Court (Schedule 1 (2));
 - (c) to increase from \$3,000 to \$5,000 the verdict amount below which an application for a new trial or an appeal to the Supreme Court from the District Court does not lie as of right (Schedule 1 (3));
 - (d) to remove the requirement of eligibility for appointment of a barrister or solicitor as a Judge of the District Court that he has been in practice, or has held some judicial or legal office under the Crown, during the last 2 years before his appointment (Schedule 2 (2));
 - (e) to extend the powers of the registrar of the District Court for Sydney in respect of proceedings outside Sydney and to authorise his exercise of the powers of any registrar of that Court sitting elsewhere than in Sydney to enter up a judgment by agreement under section 61 of the District Court Act, 1973 (Schedule 2 (3)); and
 - (f) to make other provisions of a minor or consequential nature.
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Act No. 1982

District Court (Amendment)

DISTRICT COURT (AMENDMENT) BILL, 1982

No. , 1982.

A BILL FOR

An Act to amend the District Court Act, 1973, in relation to the amounts for which certain civil actions may be brought in the District Court, the recovery of costs in that Court and appeals from that Court to the Supreme Court, and for certain other purposes.

[MR WALKER—1 April, 1982.]

See also Courts of Petty Sessions (Civil Claims) Amendment Bill, 1982.

District 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 Short title.

1. This Act may be cited as the "District Court (Amendment) Act, 1982".

Commencement.

2. (1) Except as provided in subsections (2) and (3), this Act shall 10 commence on the date of assent to this Act.

(2) Section 5 shall, in its application to a provision of Schedules 1 and 2, commence on the day on which that provision commences.

(3) The several provisions of Schedule 1 shall commence on such day or days as may be appointed by the Governor in respect thereof and 15 as may be notified by proclamation published in the Gazette.

Principal Act.

3. The District Court Act, 1973, is referred to in this Act as the Principal Act.

Schedules.

20 4. This Act contains the following Schedules:—

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE EXTENT OF THE CIVIL JURISDICTION OF THE DISTRICT COURT.

SCHEDULE 2.—MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT.

District Court (Amendment).

Amendment of Act No. 9, 1973.

5. The Principal Act is amended in the manner set forth in Schedules 1 and 2.

SCHEDULE 1.

(Sec. 5.)

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE EXTENT OF THE CIVIL JURISDICTION OF THE DISTRICT COURT.

(1) Sections 44 (1) (a), 48 (2), (3), 49 (2), 51 (2), 134A—

Omit "\$20,000" wherever occurring, insert instead "\$100,000".

10 (2) (a) Section 124 (3) (a) (i)–(iii)—

Omit section 124 (3) (a) (i) and (ii), insert instead:—

(i) before 4th April, 1977—\$250;

(ii) on or after 4th April, 1977, but before the commencement of Schedule 1 (2) to the District Court (Amendment) Act, 1982—\$750; or

(iii) after the commencement of Schedule 1 (2) to that Act—\$2,000; and

(b) Section 124 (4) (a)–(c)—

Omit section 124 (4) (a) and (b), insert instead:—

(a) in relation to an action commenced before 4th April, 1977—\$100;

(b) in relation to an action commenced on or after 4th April, 1977, but before the commencement of Schedule 1 (2) to the District Court (Amendment) Act, 1982—\$750; or

(c) in relation to an action commenced after the commencement of Schedule 1 (2) to that Act—\$2,000.

District Court (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE EXTENT OF THE
CIVIL JURISDICTION OF THE DISTRICT COURT—*continued.*

(3) Section 130 (1) (a) (i)–(iii)—

5 Omit section 130 (1) (a) (i) and (ii), insert instead:—

- (i) in the case of an action commenced before 1st April, 1975—
\$1,000 or upwards;
- 10 (ii) in the case of an action commenced on or after 1st April,
1975, but before the commencement of Schedule 1 (3) to
the District Court (Amendment) Act, 1982—\$3,000 or
upwards; or
- (iii) in the case of an action commenced after the commencement
of Schedule 1 (3) to that Act—\$5,000 or upwards,

SCHEDULE 2.

15 (Sec. 5.)

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT.

(1) Section 4 (1), definition of “the registrar”—

Omit the definition, insert instead:—

“the registrar”, in relation to any proceedings, means—

- 20 (a) except as provided in paragraph (b), the registrar for
the proper place in relation to the proceedings; or
- (b) in a case in which the registrar for Sydney is exercis-
ing a power of the registrar referred to in paragraph
(a) pursuant to section 21 (1A), the registrar for
21 Sydney;

District Court (Amendment).

SCHEDULE 2—*continued.*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(2) Section 13 (3)—

Omit the subsection.

5 (3) (a) Section 21 (1)—

Omit “Sydney” where secondly occurring, insert instead “any proclaimed place”.

(b) Section 21 (1A)—

After section 21 (1), insert:—

10 (1A) The registrar for Sydney may, except where a Judge
otherwise orders or the rules otherwise provide, exercise, in or
in respect of proceedings in relation to which the proper place is
any proclaimed place, other than Sydney, the powers of the
15 registrar for the proclaimed place to enter up judgment in
accordance with an agreement under section 61 (1).

(4) Section 200 (2)—

Omit “this section”, insert instead “section 199”.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1982

(24c)

Public Court Administration

SCHEDULE 2—continued

Miscellaneous Amendments to the Principal Act—continued

(2) Section 13 (3) —

Omit the subsection.

(3) (a) Section 21 (1) —

For "Sydney" where secondly occurring, insert instead "any proclaimed place".

(b) Section 21 (1) —

After section 21 (1), insert:—

(1A) The registrar for Sydney may, except where a Judge otherwise orders or the rules otherwise provide, exercise in or in respect of proceedings in relation to which the proper place is any proclaimed place other than Sydney, the powers of the registrar for the proclaimed place to enter up judgment in accordance with an agreement under section 61 (1).

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(4) Section 200 (2) —

Omit "this section"; insert instead "section 199".

BY AUTHORITY

D. W. G. COOPER, GOVERNMENT PRINTER, NEW SOUTH WALES—1982

DISTRICT COURT (AMENDMENT) ACT, 1982, No. 41

New South Wales



ANNO TRICESIMO PRIMO

ELIZABETHÆ II REGINÆ

Act No. 41, 1982.

An Act to amend the District Court Act, 1973, in relation to the amounts for which certain civil actions may be brought in the District Court, the recovery of costs in that Court and appeals from that Court to the Supreme Court, and for certain other purposes. [Assented to, 5th May, 1982.]

See also Courts of Petty Sessions (Civil Claims) Amendment Act, 1982.

District 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 "District Court (Amendment) Act, 1982".

Commencement.

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

(2) Section 5 shall, in its application to a provision of Schedules 1 and 2, commence on the day on which that provision commences.

(3) The several provisions of Schedule 1 shall commence on such day or days as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Principal Act.

3. The District Court Act, 1973, is referred to in this Act as the Principal Act.

Schedules.

4. This Act contains the following Schedules:—

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE EXTENT OF THE CIVIL JURISDICTION OF THE DISTRICT COURT.

SCHEDULE 2.—MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT.

District Court (Amendment).

Amendment of Act No. 9, 1973.

5. The Principal Act is amended in the manner set forth in Schedules 1 and 2.

SCHEDULE 1.

(Sec. 5.)

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE EXTENT OF THE CIVIL JURISDICTION OF THE DISTRICT COURT.

(1) Sections 44 (1) (a), 48 (2), (3), 49 (2), 51 (2), 134A—

Omit "\$20,000" wherever occurring, insert instead "\$100,000".

(2) (a) Section 124 (3) (a) (i)–(iii)—

Omit section 124 (3) (a) (i) and (ii), insert instead:—

(i) before 4th April, 1977—\$250;

(ii) on or after 4th April, 1977, but before the commencement of Schedule 1 (2) to the District Court (Amendment) Act, 1982—\$750; or

(iii) after the commencement of Schedule 1 (2) to that Act—\$2,000; and

(b) Section 124 (4) (a)–(c)—

Omit section 124 (4) (a) and (b), insert instead:—

(a) in relation to an action commenced before 4th April, 1977—\$100;

(b) in relation to an action commenced on or after 4th April, 1977, but before the commencement of Schedule 1 (2) to the District Court (Amendment) Act, 1982—\$750; or

(c) in relation to an action commenced after the commencement of Schedule 1 (2) to that Act—\$2,000.

District Court (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE EXTENT OF THE
CIVIL JURISDICTION OF THE DISTRICT COURT—*continued.*

(3) Section 130 (1) (a) (i)–(iii)—

Omit section 130 (1) (a) (i) and (ii), insert instead:—

- (i) in the case of an action commenced before 1st April, 1975—
\$1,000 or upwards;
- (ii) in the case of an action commenced on or after 1st April,
1975, but before the commencement of Schedule 1 (3) to
the District Court (Amendment) Act, 1982—\$3,000 or
upwards; or
- (iii) in the case of an action commenced after the commencement
of Schedule 1 (3) to that Act—\$5,000 or upwards,

SCHEDULE 2.

(Sec. 5.)

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT.

(1) Section 4 (1), definition of “the registrar”—

Omit the definition, insert instead:—

“the registrar”, in relation to any proceedings, means—

- (a) except as provided in paragraph (b), the registrar for
the proper place in relation to the proceedings; or
- (b) in a case in which the registrar for Sydney is exercis-
ing a power of the registrar referred to in paragraph
(a) pursuant to section 21 (1A), the registrar for
Sydney;

District Court (Amendment).

SCHEDULE 2—*continued.*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(2) Section 13 (3)—

Omit the subsection.

(3) (a) Section 21 (1)—

Omit “Sydney” where secondly occurring, insert instead “any proclaimed place”.

(b) Section 21 (1A)—

After section 21 (1), insert:—

(1A) The registrar for Sydney may, except where a Judge otherwise orders or the rules otherwise provide, exercise, in or in respect of proceedings in relation to which the proper place is any proclaimed place, other than Sydney, the powers of the registrar for the proclaimed place to enter up judgment in accordance with an agreement under section 61 (1).

(4) Section 200 (2)—

Omit “this section”, insert instead “section 199”.

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

J. A. ROWLAND,
Governor.

*Government House,
Sydney, 5th May, 1982.*



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