

CONCURRENCE COPY

JUSTICES (COMMUNITY JUSTICE CENTRES) AMENDMENT BILL, 1983

EXPLANATORY NOTE

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

This Bill is cognate with the Community Justice Centres Bill, 1983.

The objects of this Bill are—

- (a) to enable a Justice before whom an information is laid or a complaint is made, instead of issuing a summons for the appearance of the defendant, to order, with the consent of the informant or complainant, that the matter of the information or complaint be submitted for mediation under the proposed Community Justice Centres Act, 1983 (Schedule 1 (1)—proposed section 60 (2) and (3)); and
 - (b) to highlight the power of a Justice or Justices to adjourn the hearing of an information or complaint to enable mediation to take place under the proposed Community Justice Centres Act, 1983 (Schedule 1 (2)—proposed section 68 (d)).
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**JUSTICES (COMMUNITY JUSTICE CENTRES)
AMENDMENT BILL, 1983**

No. , 1983.

A BILL FOR

An Act to amend sections 60 and 68 of the Justices Act, 1902, to facilitate the reference of disputes for mediation under the Community Justice Centres Act, 1983.

[MR WALKER—19 *October*, 1983.]

Justices (Community Justice Centres) 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 "Justices (Community Justice Centres) Amendment Act, 1983".

Commencement.

2. (1) Sections 1 and 2 shall commence on the date of assent to this
10 Act.

(2) Except as provided by subsection (1), this Act shall commence on 1st December, 1983.

Amendment of Act No. 27, 1902.

3. The Justices Act, 1902, is amended in the manner set forth in
15 Schedule 1.

SCHEDULE 1.

(Sec. 3.)

AMENDMENTS TO THE JUSTICES ACT, 1902.

(1) Section 60 (2), (3)—

20 At the end of section 60, insert:—

(2) Where the Justice before whom an information or complaint is laid or made considers that the matter of the information or complaint would be better resolved by mediation than by proceedings under this Act, the Justice may, with the consent of the informant or
25 complainant, instead of issuing a summons under subsection (1),

Justices (Community Justice Centres) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE JUSTICES ACT, 1902—*continued.*

5 order the informant or complainant to submit the matter of the information or complaint to mediation under the Community Justice Centres Act, 1983.

(3) Where an order is made under subsection (2) in relation to the matter of an information or complaint but—

10 (a) the matter of the information or complaint may not, by the operation of section 22 (1) of the Community Justice Centres Act, 1983, be the subject of a mediation session under that Act;

(b) the defendant refuses to attend at, or participate in, a mediation session under that Act or either party withdraws from such a session;

15 (c) the Director of a Community Justice Centre declines under section 24 (1) of that Act to consent to the acceptance of the matter of the information or complaint for mediation; or

20 (d) a mediation session attended by the informant or complainant and the defendant is terminated under section 24 (2) of that Act,

a Justice may issue a summons for the appearance of the defendant.

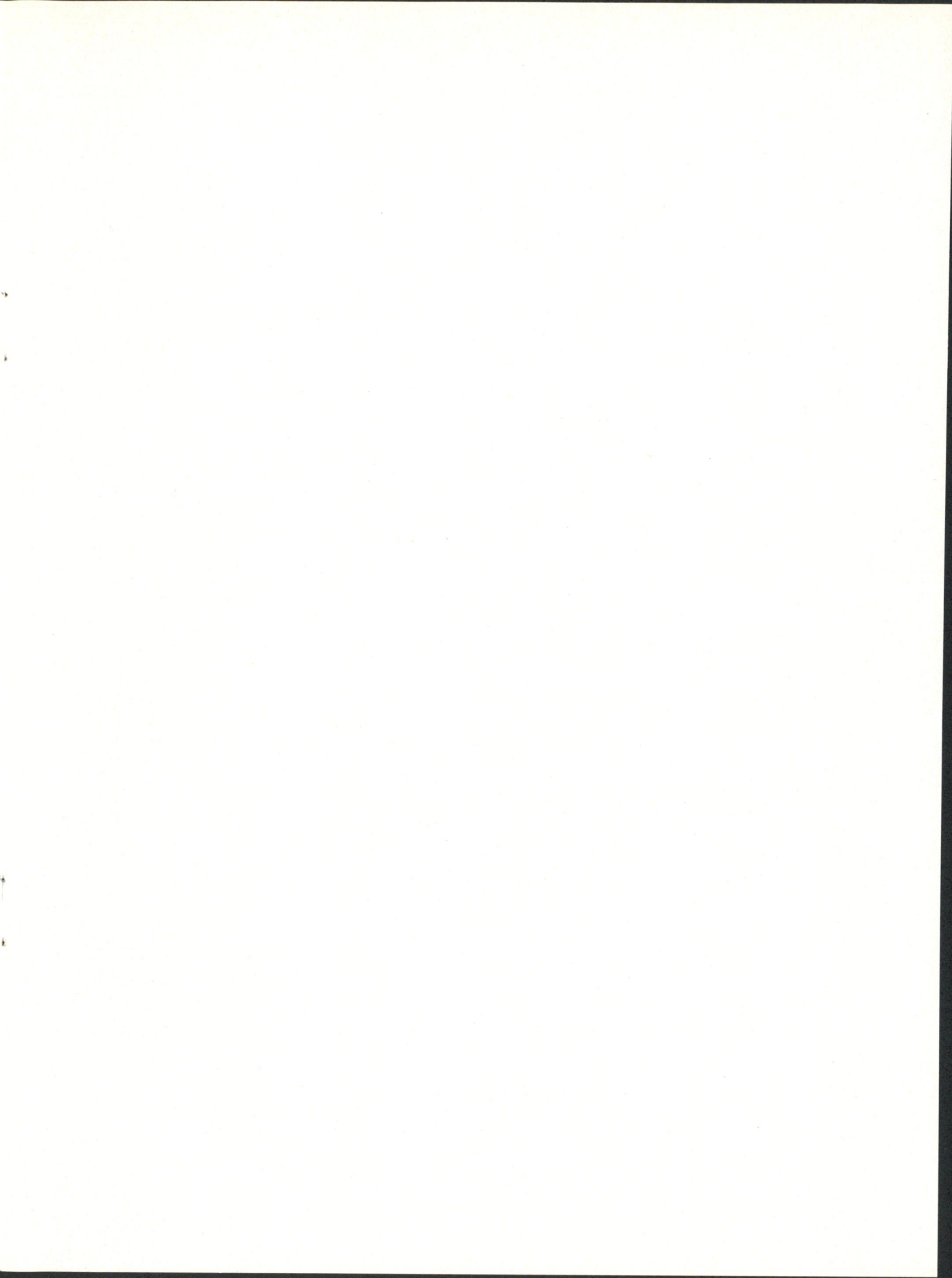
(2) Section 68 (d)—

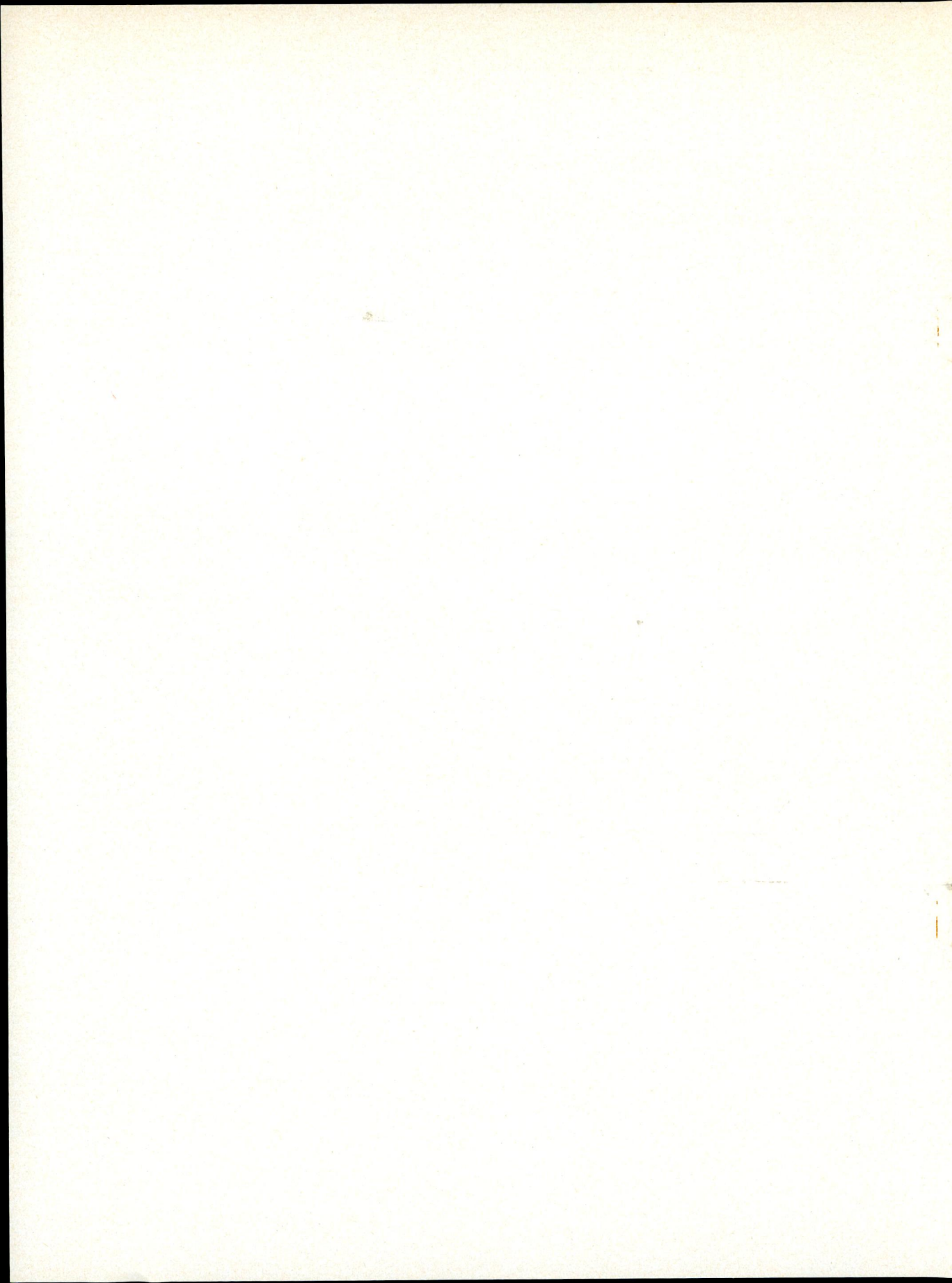
At the end of section 68, insert:—

25 (d) to enable the matter of the information or complaint to be the subject of a mediation session under the Community Justice Centres Act, 1983.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1983





**JUSTICES (COMMUNITY JUSTICE CENTRES) AMENDMENT
ACT, 1983, No. 128**

New South Wales



ANNO TRICESIMO SECUNDO

ELIZABETHÆ II REGINÆ

Act No. 128, 1983.

An Act to amend sections 60 and 68 of the Justices Act, 1902, to facilitate the reference of disputes for mediation under the Community Justice Centres Act, 1983. [Assented to, 20th December, 1983.]

Justices (Community Justice Centres) 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 "Justices (Community Justice Centres) Amendment Act, 1983".

Commencement.

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

(2) Except as provided by subsection (1), this Act shall commence on 1st December, 1983.

Amendment of Act No. 27, 1902.

3. The Justices Act, 1902, is amended in the manner set forth in Schedule 1.

SCHEDULE 1.

(Sec. 3.)

AMENDMENTS TO THE JUSTICES ACT, 1902.

(1) Section 60 (2), (3)—

At the end of section 60, insert:—

(2) Where the Justice before whom an information or complaint is laid or made considers that the matter of the information or complaint would be better resolved by mediation than by proceedings under this Act, the Justice may, with the consent of the informant or complainant, instead of issuing a summons under subsection (1),

Justices (Community Justice Centres) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE JUSTICES ACT, 1902—*continued.*

order the informant or complainant to submit the matter of the information or complaint to mediation under the Community Justice Centres Act, 1983.

(3) Where an order is made under subsection (2) in relation to the matter of an information or complaint but—

- (a) the matter of the information or complaint may not, by the operation of section 22 (1) of the Community Justice Centres Act, 1983, be the subject of a mediation session under that Act;
- (b) the defendant refuses to attend at, or participate in, a mediation session under that Act or either party withdraws from such a session;
- (c) the Director of a Community Justice Centre declines under section 24 (1) of that Act to consent to the acceptance of the matter of the information or complaint for mediation; or
- (d) a mediation session attended by the informant or complainant and the defendant is terminated under section 24 (2) of that Act,

a Justice may issue a summons for the appearance of the defendant.

(2) Section 68 (d)—

At the end of section 68, insert:—

- (d) to enable the matter of the information or complaint to be the subject of a mediation session under the Community Justice Centres Act, 1983.

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

J. A. ROWLAND,
Governor.

Government House,
Sydney, 20th December, 1983.

