CONCURRENCE COPY

MISCELLANEOUS ACTS (LOCAL COURTS) AMENDMENT BILL, 1982

EXPLANATORY NOTE

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

This Bill is cognate with the Local Courts Bill, 1982.

The object of this Bill is to alter (as a consequence of the intended enactment of the Local Courts Act, 1982) certain references to courts of petty sessions, clerks of petty sessions and stipendiary magistrates, and other references of a like nature, which appear in the various Acts specified in Schedules 1 and 2 to the proposed Act.

15230E 481—

MISCELLANEOUS ACTS (LOCAL COURTS) AMENDMENT BILL, 1982

No. , 1982.

A BILL FOR

An Act to amend certain Acts as a consequence of the enactment of the Local Courts Act, 1982.

[MR WALKER—24 *November*, 1982.]

15230E 481—

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 "Miscellaneous Acts (Local Courts) Amendment Act, 1982".

Commencement.

2. **(1)** Except as provided by subsections (2)–(4), this Act shall
10 commence on the date of assent to this Act.

(2) Section 4 shall, in its application to a provision of Schedule 1 or 2, commence on the day on which the provision commences.

(3) Schedule 1 shall commence on the day appointed and notified under section 2 (2) of the Local Courts Act, 1982.

15 **(4)** Each item of Schedule 2 shall commence on—

(a) the day referred to in subsection (3); or

(b) the day on which the provision of the Act to which the item relates commences,

whichever occurs later.

20 **Schedules.**

3. This Act contains the following Schedules:—

SCHEDULE 1.—AMENDMENTS.

SCHEDULE 2.—FURTHER AMENDMENTS.

Amendments.

4. Each Act specified in Schedule 1 or 2 is amended in the manner set forth in that Schedule.

SCHEDULE 1.

(Sec. 4.)

AMENDMENTS.

Bail Act, 1978, No. 161—

(1) (a) Section 4 (1), definition of "court"—

Omit paragraph (d), insert instead:—

(d) a Local Court,

(b) Section 4 (1), definition of "court of petty sessions"—

Omit the definition.

(c) Section 4 (1), definition of "Local Court"—

After the definition of "lawyer", insert:—

"Local Court" includes a licensing court under the Liquor Act, 1912, a children's court under the Child Welfare Act, 1939, and a court constituted by an industrial magistrate under the Industrial Arbitration Act, 1940;

(d) Section 4 (1), definition of "magistrate"—

Omit "stipendiary magistrate", insert instead "magistrate under the Local Courts Act, 1982".

(2) Section 25 (1)—

Omit "petty sessions" wherever occurring, insert instead "a Local Court".

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

(3) Sections 51 (3) (c), 56 (3), 58 (4)—

Omit "court of petty sessions constituted by a stipendiary magistrate" wherever occurring, insert instead "Local Court constituted by a Magistrate".

(4) Section 51 (5) (a)—

Omit "court of petty sessions", insert instead "Local Court".

(5) Section 60 (3) (c)—

Omit "of petty sessions", insert instead "of a Local Court".

Child Welfare Act, 1939, No. 17—

(1) Section 4 (1), definition of "Magistrate"—

Omit the definition.

(2) Section 11 (3)—

Omit "police or stipendiary".

(3) Section 12 (1) (a), (2)—

Omit "courts of petty sessions" wherever occurring, insert instead "local courts".

(4) Sections 12 (2), 14 (1), (3)—

Omit "court of petty sessions" wherever occurring, insert instead "local court".

Commercial Agents and Private Inquiry Agents Act, 1963, No. 4—

(1) Section 10 (2)—

Omit "court of the petty sessions", insert instead "local court for the".

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

(2) Sections 10 (3), 12 (1), 30 (3)—

Omit "court of petty sessions" wherever occurring, insert instead "Local Court".

(3) Sections 11 (1), 30 (2), 40 (3)—

Omit "court of petty sessions held before a stipendiary" wherever occurring, insert instead "Local Court constituted by a".

(4) (a) Section 30 (1)—

Omit "court of petty sessions other than a court of petty sessions held before a stipendiary", insert instead "Local Court other than a Local Court constituted by a".

(b) Section 30 (3)—

Omit "Courts of Petty Sessions", insert instead "Local Courts".

Coroners Act, 1980, No. 27—

(1) (a) Section 6 (2) (a)—

Omit "or".

(b) Section 6 (2) (b), (c)—

Omit section 6 (2) (b), insert instead:—

(b) except as provided by paragraph (c), if he is not a member of the Public Service, upon the day on which he attains the age of 70 years; or

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

(c) if he is a coroner by reason of the operation of section 10, upon the day on which he ceases to be a Magistrate.

5 (2) Sections 10, 11, 12 (1), (3), (4)—

Omit "stipendiary magistrate" wherever occurring, insert instead "Magistrate".

(3) Section 16 (1) (b)—

Omit the paragraph, insert instead:—

10 (b) he, being a person holding office as a Magistrate or clerk of a Local Court, or duly acting as a clerk of a Local Court, is after being so informed and before holding the inquest or inquiry transferred by the Chief Magistrate of the Local Courts or within the Public Service, as the case may be, from 15 the place where he held or acted in that office when he was so informed to some other place or position; or

(4) (a) Section 34 (3)—

Omit "petty sessions" where firstly occurring, insert instead "the Local Court".

20 (b) Section 34 (3)—

Omit "petty sessions" where secondly occurring, insert instead "a Local Court".

(c) Section 34 (4) (a)—

Omit "petty sessions", insert instead "a Local Court".

25 (d) Section 34 (4)—

Omit "petty sessions with", insert instead "the Local Court with".

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

(5) Section 54 (2)—

Omit "stipendiary magistrate or any 2 justices in petty sessions", insert instead "Magistrate or any 2 justices constituting a Local Court".

(6) Schedule 3, clause 5 (3)—

Omit "petty sessions", insert instead "a Local Court".

Disposal of Uncollected Goods Act, 1966, No. 57—

(1) (a) Section 12 (1)—

Omit "court of petty sessions for the petty sessions" wherever occurring, insert instead "Local Court for the".

(b) Section 12 (10)—

Omit "court of petty sessions by this section shall not be exercised except by a court of petty sessions held before a stipendiary magistrate", insert instead "Local Court by this section shall not be exercised except by a Local Court constituted by a magistrate".

(2) (a) Section 13 (2)—

Omit "petty sessions for the court", insert instead "the Local Court".

(b) Section 13 (2)—

Omit "the court" where secondly occurring, insert instead "the Court".

(3) Section 21 (2)—

Omit "in petty sessions", insert instead "constituting a Local Court".

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

Factories, Shops and Industries Act, 1962, No. 43—

(1) Sections 145 (3), (4), 147 (2), 148 (2)—

5 Omit "stipendiary magistrate" wherever occurring, insert instead "Magistrate".

(2) Section 145A (1)—

Omit "stipendiary", insert instead "Magistrate".

Fines and Forfeited Recognizances Act, 1954, No. 25—

10 (1) Section 6 (1), (1A), (2) (a)—

Omit "stipendiary" wherever occurring, insert instead "Magistrate".

(2) Section 6 (2) (a)—

Omit "court of petty sessions", insert instead "Local Court".

Industrial Arbitration Act, 1940, No. 2—

15 (1) Section 5 (1), definition of "Magistrate"—

Omit the definition.

(2) Section 92 (3)—

Omit "court of petty sessions", insert instead "local court".

(3) Section 121—

20 Omit "stipendiary or industrial magistrate, or any two justices in petty sessions", insert instead "Magistrate, an industrial magistrate or any 2 justices constituting a local court".

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

(4) (a) Section 126 (1)—

Omit "stipendiary magistrate", insert instead "Magistrate".

5 (b) Section 126 (1)—

Omit "sitting in petty sessions", insert instead "constituting a local court".

Interpretation Act, 1897, No. 4—

(1) Section 21 (*l*)—

10 After section 21 (*k*), insert:—

(*l*) The word "Magistrate" shall mean person holding the office of Magistrate under the Local Courts Act, 1982.

(2) Section 22—

Omit the section, insert instead:—

15 **Meaning of expression "court of summary jurisdiction".**

22. The expression "court of summary jurisdiction" occurring in an Act shall, unless the contrary intention appears, mean any justice or justices of the peace, or any magistrate by whatever name called, to whom jurisdiction is given under any Act or Imperial Act.

20 **Landlord and Tenant (Amendment) Act, 1948, No. 25—**

(1) Sections 12 (2), 69 (2), 69A (3) (b)—

Omit "Stipendiary" wherever occurring.

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

(2) Section 13 (3)—

Omit "petty sessions" wherever occurring, insert instead "the Local Court".

(3) (a) Sections 62A (1), 62B (1) (a)—

Omit "court of petty sessions for the petty sessions" wherever occurring, insert instead "Local Court for the".

(b) Sections 62A (1A), (2) (a), 62B (2) (a), 69 (2), 69A (3), (4), (5)—

Omit "court of petty sessions" wherever occurring, insert instead "Local Court".

(c) Section 62A (1A)—

Omit "the court" wherever occurring, insert instead "the Court".

(4) Section 69 (1)—

Omit "courts of petty sessions, and those courts", insert instead "Local Courts, and those Courts".

(5) Section 69A (1) (b)—

Omit "courts of petty sessions" wherever occurring, insert instead "Local Courts".

(6) Sections 81A (6), 98—

Omit "courts of petty sessions holden before a Stipendiary" wherever occurring, insert instead "Local Court constituted by a".

(7) Section 112 (4), definition of "the court"—

Omit "court of petty sessions constituted by a stipendiary magistrate", insert instead "Local Court constituted by a Magistrate".

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

Local Government Act, 1919, No. 41—

(1) Section 43 (1)—

Omit "court of petty sessions having jurisdiction", insert instead "any local court held at a place".

(2) Sections 44 (2), 45 (1)—

Omit "court of petty sessions having jurisdiction as aforesaid" wherever occurring, insert instead "any local court on which jurisdiction is conferred by section 43 (1)".

(3) Sections 46 (1), (3), 133 (3), (7), (8) (a), 317I (3), 435 (1), 597 (3), (4)—

Omit "court of petty sessions" wherever occurring, insert instead "local court".

(4) Section 102 (1)—

Omit "stipendiary or police magistrate", insert instead "Magistrate".

(5) Section 317I (2)—

Omit "court of petty sessions held before a stipendiary magistrate", insert instead "local court constituted by a Magistrate".

(6) Section 639 (1)—

Omit "stipendiary or police magistrate or any two justices in petty sessions", insert instead "Magistrate or any 2 justices constituting a local court".

Mental Defectives (Convicted Persons) Act, 1939, No. 19—

Section 2, definition of "Magistrate"—

Omit the definition.

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

Moneylending Act, 1941, No. 67—

(1) (a) Section 3 (1), definition of "Court of petty sessions,"—

5 Omit the definition.

(b) Section 3 (1), definition of "Local court"—

After the definition of "Loan", insert:—

"Local court" means a local court constituted by a Magistrate sitting alone.

10 (2) Sections 5, 6, 7 (2) (b) (iii), 8 (1), (3), (4), 9 (1), (2) (b), (3), 10, 11 (1), (3), 12 (1), (3), (4), (5), (6), 13 (b), 16, 18 (1), 19 (1) (g), (i), 20 (1), (2), (4), 39 (1), (2), (3), (4), (5), (6), (7), 48, 50 (1) (a), (2)—

Omit "court of petty sessions" wherever occurring, insert instead
15 "local court".

(3) Section 20 (1), (2)—

Omit "holden before a stipendiary magistrate" wherever occurring, insert instead "constituted by a Magistrate".

(4) Sections 20 (4), 50 (1) (a)—

20 Omit "Courts of Petty Sessions" wherever occurring, insert instead "Local Courts".

(5) Section 51 (1) (b)—

Omit "clerks of petty sessions", insert instead "the clerks of local courts".

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

Local Government Act, 1919, No. 41—

(1) Section 43 (1)—

Omit "court of petty sessions having jurisdiction", insert instead "any local court held at a place".

(2) Sections 44 (2), 45 (1)—

Omit "court of petty sessions having jurisdiction as aforesaid" wherever occurring, insert instead "any local court on which jurisdiction is conferred by section 43 (1)".

(3) Sections 46 (1), (3), 133 (3), (7), (8) (a), 317I (3), 435 (1), 597 (3), (4)—

Omit "court of petty sessions" wherever occurring, insert instead "local court".

(4) Section 102 (1)—

Omit "stipendiary or police magistrate", insert instead "Magistrate".

(5) Section 317I (2)—

Omit "court of petty sessions held before a stipendiary magistrate", insert instead "local court constituted by a Magistrate".

(6) Section 639 (1)—

Omit "stipendiary or police magistrate or any two justices in petty sessions", insert instead "Magistrate or any 2 justices constituting a local court".

Mental Defectives (Convicted Persons) Act, 1939, No. 19—

Section 2, definition of "Magistrate"—

Omit the definition.

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

Moneylending Act, 1941, No. 67—

(1) (a) Section 3 (1), definition of "Court of petty sessions,"—

5 Omit the definition.

(b) Section 3 (1), definition of "Local court"—

After the definition of "Loan", insert:—

"Local court" means a local court constituted by a Magistrate sitting alone.

10 (2) Sections 5, 6, 7 (2) (b) (iii), 8 (1), (3), (4), 9 (1), (2) (b), (3), 10, 11 (1), (3), 12 (1), (3), (4), (5), (6), 13 (b), 16, 18 (1), 19 (1) (g), (i), 20 (1), (2), (4), 39 (1), (2), (3), (4), (5), (6), (7), 48, 50 (1) (a), (2)—

Omit "court of petty sessions" wherever occurring, insert instead
15 "local court".

(3) Section 20 (1), (2)—

Omit "holden before a stipendiary magistrate" wherever occurring, insert instead "constituted by a Magistrate".

(4) Sections 20 (4), 50 (1) (a)—

20 Omit "Courts of Petty Sessions" wherever occurring, insert instead "Local Courts".

(5) Section 51 (1) (b)—

Omit "clerks of petty sessions", insert instead "the clerks of local courts".

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

Parliamentary Electorates and Elections Act, 1912, No. 41—

(1) (a) Section 49 (1)—

5 Omit "court of petty sessions" wherever occurring, insert instead "local court".

(b) Sections 49 (1), 183—

Omit "stipendiary" wherever occurring.

(c) Section 49 (2)—

10 Omit "petty sessions", insert instead "the local court".

(2) Section 183—

Omit "having jurisdiction within", insert instead "constituting the local court for".

Pesticides Act, 1978, No. 57—

15 (1) Section 5 (1), definition of "court of petty sessions"—

Omit the definition.

(2) Section 59 (1) (b)—

Omit "court of petty sessions", insert instead "Local Court constituted by a Magistrate".

20 (3) Section 72—

Omit "stipendiary magistrate", insert instead "Magistrate".

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

Public Health Act, 1902, No. 30—

(1) Section 27 (1)—

Omit "police or stipendiary magistrate or any two justices sitting as a court of petty sessions within", insert instead "Magistrate or any 2 justices constituting a Local Court for".

(2) Section 60 (2)—

Omit "stipendiary or police magistrate", insert instead "Magistrate".

(3) (a) Section 66 (1)—

Omit "police or stipendiary magistrate, or any two justices in petty sessions", insert instead "Magistrate or any 2 justices constituting a Local Court".

(b) Sections 66 (2), (3) (a), 67, 69—

Omit "magistrate" wherever occurring, insert instead "Magistrate".

(4) Section 107 (1)—

Omit "police or stipendiary magistrate or any two justices in petty sessions", insert instead "Magistrate or any 2 justices constituting a Local Court".

Public Service Act, 1979, No. 89—

(1) Section 117—

Omit the section.

(2) Section 131 (7)—

Omit "court of petty sessions", insert instead "Local Court".

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

Pyramid Sales Act, 1974, No. 33—

(1) Section 10—

5 Omit "stipendiary magistrate" wherever occurring, insert instead "Magistrate".

(2) (a) Section 12 (1)—

Omit "or stipendiary".

(b) Section 12 (1)—

10 After "magistrate" where firstly occurring, insert "or by a Magistrate".

(c) Section 12 (1)—

Omit "the magistrate", insert instead "he".

(d) Section 12 (2), (4)—

15 Omit "magistrate" wherever occurring, insert instead "industrial magistrate or the Magistrate, as the case may be,".

(e) Section 12 (2), (3)—

Omit "court of petty sessions" wherever occurring, insert instead "Local Court".

20 (f) Section 12 (2)—

Omit "Courts of Petty Sessions", insert instead "Local Courts".

Registered Clubs Act, 1976, No. 31—

(1) Section 42 (2), (5)—

Omit "stipendiary magistrate" wherever occurring, insert instead
25 "Magistrate".

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

(2) Section 65 (1) (b)—

Omit the paragraph, insert instead:—

5 (b) before a Local Court constituted by a Magistrate.

The City of Newcastle Gas and Coke Company's Incorporation Act 1866—

(1) (a) Section 17—

Omit "nearest Court of Petty Sessions of the Police District", insert instead "nearest Local Court for the district".

10 (b) Section 17—

Omit "the Court of Petty Sessions of the Police District" wherever occurring, insert instead "a Local Court for the district".

(2) Section 18—

15 Omit "Court of Petty Sessions" wherever occurring, insert instead "Local Court".

(3) Section 19—

Omit "the Court of Petty Sessions in the Police District", insert instead "a Local Court for the Local Court district".

20 (4) Section 20—

Omit "Court of Petty Sessions", insert instead "Local Court".

Therapeutic Goods and Cosmetics Act, 1972, No. 14—

(1) Sections 31 (1), (5), 32 (1), 50, 51—

Omit "court of petty sessions" wherever occurring, insert instead
25 "Local Court".

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

(2) Section 33 (3)—

Omit section 33 (3) and (4), insert instead:—

5 (3) An order made under this section shall operate as an order under the Local Courts (Civil Claims) Act, 1970, and be enforceable as such an order under the provisions of that Act.

(3) Section 51—

Omit "stipendiary magistrate", insert instead "Magistrate".

10 **Transport Act, 1930, No. 18—**

(1) Section 4, definition of "Magistrate"—

Omit the definition.

(2) (a) Section 169A (1)—

Omit "court of petty sessions held before a stipendiary magis-
15 trate", insert instead "Local Court constituted by a Magistrate".

(b) Section 169A (2), (3)—

Omit "clerk of the court of petty sessions" wherever occurring, insert instead "Clerk of the Local Court".

(c) Section 169A (4), (5), (6)—

20 Omit "the court" wherever occurring, insert instead "the Local Court".

(d) Section 169A (5), (7)—

Omit "court of petty sessions" wherever occurring, insert instead "Local Court".

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

(3) Section 250 (1), (4)—

Omit "court of petty sessions" wherever occurring, insert instead "Local Court".

Water Act, 1912, No. 44—

(1) Sections 11 (5), (6), 13A (4), (5), (6), 20A (2), 20B (1), 20CA (4) (a), (b), (e), (f), (g), (h), (j), (5), (6) (a), 20CB (1) (d), (3) (a), 24—

Omit "stipendiary magistrate" wherever occurring, insert instead "Magistrate".

(2) Section 24—

Omit ", or any two justices in petty sessions", insert instead "or any 2 justices constituting a Local Court".

(3) Section 125—

Omit "police or stipendiary magistrate or any two justices in petty sessions", insert instead "Magistrate or any 2 justices constituting a Local Court".

(4) (a) Section 138A (7), (8)—

Omit "police magistrate" wherever occurring insert instead "Magistrate".

(b) Section 138A (7)—

Omit "having jurisdiction in", insert instead "constituting a Local Court for a district which consists of or includes".

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

(5) Sections 149 (6), 164 (7)—

Omit "stipendiary magistrate or police magistrate or two or more justices of the peace in petty sessions" wherever occurring, insert instead "Magistrate or 2 or more justices of the peace constituting a Local Court".

Wool, Hide and Skin Dealers Act, 1935, No. 40—

(1) (a) Section 5 (1)—

Omit "court of the petty sessions", insert instead "local court for the".

(b) Section 5 (1)—

Omit "court of petty sessions in any such", insert instead "local court for that".

(c) Section 5 (1)—

Omit "the court within such district", insert instead "whichever of those local courts is".

(d) Section 5 (6)—

Omit "court of petty sessions", insert instead "local court".

(2) Section 6 (1)—

Omit "court of petty sessions holden before a stipendiary magistrate", insert instead "local court constituted by a Magistrate".

(3) Section 12 (3)—

Omit "stipendiary magistrate in petty sessions", insert instead "Magistrate constituting a local court".

SCHEDULE 2.

(Sec. 4.)

FURTHER AMENDMENTS.

Bail (Community Welfare) Amendment Act, 1982, No. 78—

5 Schedule 1 (1) (b)—

Omit "court of petty sessions", insert instead "Local Court".

Community Welfare Act, 1982, No. 76—

(1) Sections 156 (1) (b), 157 (2), 162 (1) (c), 163 (2) (a), 191, 232 (3) (a) (ii), 257 (2), (3), (6), 280 (1), 305 (2)—

10 Omit "court of petty sessions" wherever occurring, insert instead "Local Court".

(2) Sections 162 (2), 178 (1) (b), (2), 180 (1), (6), 210 (2), 212, 293 (3), (4), 295 (5), clause 9 of Schedule 6—

Omit "stipendiary magistrate" wherever occurring, insert instead 15 "Magistrate".

(3) Section 179 (2)—

Omit "chairman of the bench of Stipendiary Magistrates appointed under the Justices Act, 1902, or the person for the time being acting as the chairman", insert instead "Chief Magistrate of the Local 20 Courts".

(4) Section 304—

Omit "court of petty sessions held before a stipendiary magistrate sitting alone", insert instead "Local Court constituted by a Magistrate".

SCHEDULE 2—*continued.*

FURTHER AMENDMENTS—*continued.*

Consumer Credit Act, 1981, No. 124—

(1) (a) Section 5 (1), definition of "court of petty sessions"—

5 Omit the definition.

(b) Section 5 (1), definition of "local court"—

After the definition of "loan contract", insert:—

"local court" means a local court constituted by a magistrate sitting alone;

10 (2) (a) Sections 6 (1) (c) (ii), 247 (3)—

Omit "court of petty sessions" wherever occurring, insert instead "local court".

(b) Section 6 (1) (c) (ii)—

Omit "Courts of Petty Sessions", insert instead "Local Courts".

15 (3) Section 247 (1), (2)—

Omit "court of petty sessions constituted by a stipendiary" wherever occurring, insert instead "local court constituted by a".

Pawnbrokers (Amendment) Act, 1980, No. 150—

(1) Schedule 1 (1)—

20 Omit "5 (1) (a) of the Justices Act, 1902", insert instead "6 (1) of the Local Courts Act, 1982".

SCHEDULE 2—*continued.*

FURTHER AMENDMENTS—*continued.*

(2) Schedule 1 (4)—

Omit "court of petty sessions", insert instead "local court".

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

(80c)

MISCELLANEOUS ACTS (LOCAL COURTS) AMENDMENT ACT, 1982, No. 168

New South Wales

ANNO TRICESIMO PRIMO

ELIZABETHÆ II REGINÆ

* *

Act No. 168, 1982.

An Act to amend certain Acts as a consequence of the enactment of the Local Courts Act, 1982. [Assented to, 24th December, 1982.]

P 17494E (80c)

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 "Miscellaneous Acts (Local Courts) Amendment Act, 1982".

Commencement.

2. **(1)** Except as provided by subsections (2)–(4), this Act shall commence on the date of assent to this Act.

(2) Section 4 shall, in its application to a provision of Schedule 1 or 2, commence on the day on which the provision commences.

(3) Schedule 1 shall commence on the day appointed and notified under section 2 (2) of the Local Courts Act, 1982.

(4) Each item of Schedule 2 shall commence on—

(a) the day referred to in subsection (3); or

(b) the day on which the provision of the Act to which the item relates commences,

whichever occurs later.

Schedules.

3. This Act contains the following Schedules:—

SCHEDULE 1.—AMENDMENTS.

SCHEDULE 2.—FURTHER AMENDMENTS.

Amendments.

4. Each Act specified in Schedule 1 or 2 is amended in the manner set forth in that Schedule.

SCHEDULE 1.

(Sec. 4.)

AMENDMENTS.

Bail Act, 1978, No. 161—

(1) (a) Section 4 (1), definition of "court"—

Omit paragraph (d), insert instead:—

(d) a Local Court,

(b) Section 4 (1), definition of "court of petty sessions"—

Omit the definition.

(c) Section 4 (1), definition of "Local Court"—

After the definition of "lawyer", insert:—

"Local Court" includes a licensing court under the Liquor Act, 1912, a children's court under the Child Welfare Act, 1939, and a court constituted by an industrial magistrate under the Industrial Arbitration Act, 1940;

(d) Section 4 (1), definition of "magistrate"—

Omit "stipendiary magistrate", insert instead "magistrate under the Local Courts Act, 1982".

(2) Section 25 (1)—

Omit "petty sessions" wherever occurring, insert instead "a Local Court".

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

(3) Sections 51 (3) (c), 56 (3), 58 (4)—

Omit "court of petty sessions constituted by a stipendiary magistrate" wherever occurring, insert instead "Local Court constituted by a Magistrate".

(4) Section 51 (5) (a)—

Omit "court of petty sessions", insert instead "Local Court".

(5) Section 60 (3) (c)—

Omit "of petty sessions", insert instead "of a Local Court".

Child Welfare Act, 1939, No. 17—

(1) Section 4 (1), definition of "Magistrate"—

Omit the definition.

(2) Section 11 (3)—

Omit "police or stipendiary".

(3) Section 12 (1) (a), (2)—

Omit "courts of petty sessions" wherever occurring, insert instead "local courts".

(4) Sections 12 (2), 14 (1), (3)—

Omit "court of petty sessions" wherever occurring, insert instead "local court".

Commercial Agents and Private Inquiry Agents Act, 1963, No. 4—

(1) Section 10 (2)—

Omit "court of the petty sessions", insert instead "local court for the".

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

(2) Sections 10 (3), 12 (1), 30 (3)—

Omit "court of petty sessions" wherever occurring, insert instead "Local Court".

(3) Sections 11 (1), 30 (2), 40 (3)—

Omit "court of petty sessions held before a stipendiary" wherever occurring, insert instead "Local Court constituted by a".

(4) (a) Section 30 (1)—

Omit "court of petty sessions other than a court of petty sessions held before a stipendiary", insert instead "Local Court other than a Local Court constituted by a".

(b) Section 30 (3)—

Omit "Courts of Petty Sessions", insert instead "Local Courts".

Coroners Act, 1980, No. 27—

(1) (a) Section 6 (2) (a)—

Omit "or".

(b) Section 6 (2) (b), (c)—

Omit section 6 (2) (b), insert instead:—

(b) except as provided by paragraph (c), if he is not a member of the Public Service, upon the day on which he attains the age of 70 years; or

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

(c) if he is a coroner by reason of the operation of section 10, upon the day on which he ceases to be a Magistrate.

(2) Sections 10, 11, 12 (1), (3), (4)—

Omit "stipendiary magistrate" wherever occurring, insert instead "Magistrate".

(3) Section 16 (1) (b)—

Omit the paragraph, insert instead:—

(b) he, being a person holding office as a Magistrate or clerk of a Local Court, or duly acting as a clerk of a Local Court, is after being so informed and before holding the inquest or inquiry transferred by the Chief Magistrate of the Local Courts or within the Public Service, as the case may be, from the place where he held or acted in that office when he was so informed to some other place or position; or

(4) (a) Section 34 (3)—

Omit "petty sessions" where firstly occurring, insert instead "the Local Court".

(b) Section 34 (3)—

Omit "petty sessions" where secondly occurring, insert instead "a Local Court".

(c) Section 34 (4) (a)—

Omit "petty sessions", insert instead "a Local Court".

(d) Section 34 (4)—

Omit "petty sessions with", insert instead "the Local Court with".

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

(5) Section 54 (2)—

Omit "stipendiary magistrate or any 2 justices in petty sessions", insert instead "Magistrate or any 2 justices constituting a Local Court".

(6) Schedule 3, clause 5 (3)—

Omit "petty sessions", insert instead "a Local Court".

Disposal of Uncollected Goods Act, 1966, No. 57—

(1) (a) Section 12 (1)—

Omit "court of petty sessions for the petty sessions" wherever occurring, insert instead "Local Court for the".

(b) Section 12 (10)—

Omit "court of petty sessions by this section shall not be exercised except by a court of petty sessions held before a stipendiary magistrate", insert instead "Local Court by this section shall not be exercised except by a Local Court constituted by a magistrate".

(2) (a) Section 13 (2)—

Omit "petty sessions for the court", insert instead "the Local Court".

(b) Section 13 (2)—

Omit "the court" where secondly occurring, insert instead "the Court".

(3) Section 21 (2)—

Omit "in petty sessions", insert instead "constituting a Local Court".

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

Factories, Shops and Industries Act, 1962, No. 43—

(1) Sections 145 (3), (4), 147 (2), 148 (2)—

Omit "stipendiary magistrate" wherever occurring, insert instead "Magistrate".

(2) Section 145A (1)—

Omit "stipendiary", insert instead "Magistrate".

Fines and Forfeited Recognizances Act, 1954, No. 25—

(1) Section 6 (1), (1A), (2) (a)—

Omit "stipendiary" wherever occurring, insert instead "Magistrate".

(2) Section 6 (2) (a)—

Omit "court of petty sessions", insert instead "Local Court".

Industrial Arbitration Act, 1940, No. 2—

(1) Section 5 (1), definition of "Magistrate"—

Omit the definition.

(2) Section 92 (3)—

Omit "court of petty sessions", insert instead "local court".

(3) Section 121—

Omit "stipendiary or industrial magistrate, or any two justices in petty sessions", insert instead "Magistrate, an industrial magistrate or any 2 justices constituting a local court".

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

(4) (a) Section 126 (1)—

Omit "stipendiary magistrate", insert instead "Magistrate".

(b) Section 126 (1)—

Omit "sitting in petty sessions", insert instead "constituting a local court".

Interpretation Act, 1897, No. 4—

(1) Section 21 (*l*)—

After section 21 (*k*), insert:—

(*l*) The word "Magistrate" shall mean person holding the office of Magistrate under the Local Courts Act, 1982.

(2) Section 22—

Omit the section, insert instead:—

Meaning of expression "court of summary jurisdiction".

22. The expression "court of summary jurisdiction" occurring in an Act shall, unless the contrary intention appears, mean any justice or justices of the peace, or any magistrate by whatever name called, to whom jurisdiction is given under any Act or Imperial Act.

Landlord and Tenant (Amendment) Act, 1948, No. 25—

(1) Sections 12 (2), 69 (2), 69A (3) (b)—

Omit "Stipendiary" wherever occurring.

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

(2) Section 13 (3)—

Omit "petty sessions" wherever occurring, insert instead "the Local Court".

(3) (a) Sections 62A (1), 62B (1) (a)—

Omit "court of petty sessions for the petty sessions" wherever occurring, insert instead "Local Court for the".

(b) Sections 62A (1A), (2) (a), 62B (2) (a), 69 (2), 69A (3), (4), (5)—

Omit "court of petty sessions" wherever occurring, insert instead "Local Court".

(c) Section 62A (1A)—

Omit "the court" wherever occurring, insert instead "the Court".

(4) Section 69 (1)—

Omit "courts of petty sessions, and those courts", insert instead "Local Courts, and those Courts".

(5) Section 69A (1) (b)—

Omit "courts of petty sessions" wherever occurring, insert instead "Local Courts".

(6) Sections 81A (6), 98—

Omit "courts of petty sessions holden before a Stipendiary" wherever occurring, insert instead "Local Court constituted by a".

(7) Section 112 (4), definition of "the court"—

Omit "court of petty sessions constituted by a stipendiary magistrate", insert instead "Local Court constituted by a Magistrate".

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

Local Government Act, 1919, No. 41—

(1) Section 43 (1)—

Omit "court of petty sessions having jurisdiction", insert instead "any local court held at a place".

(2) Sections 44 (2), 45 (1)—

Omit "court of petty sessions having jurisdiction as aforesaid" wherever occurring, insert instead "any local court on which jurisdiction is conferred by section 43 (1)".

(3) Sections 46 (1), (3), 133 (3), (7), (8) (a), 317I (3), 435 (1), 597 (3), (4)—

Omit "court of petty sessions" wherever occurring, insert instead "local court".

(4) Section 102 (1)—

Omit "stipendiary or police magistrate", insert instead "Magistrate".

(5) Section 317I (2)—

Omit "court of petty sessions held before a stipendiary magistrate", insert instead "local court constituted by a Magistrate".

(6) Section 639 (1)—

Omit "stipendiary or police magistrate or any two justices in petty sessions", insert instead "Magistrate or any 2 justices constituting a local court".

Mental Defectives (Convicted Persons) Act, 1939, No. 19—

Section 2, definition of "Magistrate"—

Omit the definition.

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

Moneylending Act, 1941, No. 67—

(1) (a) Section 3 (1), definition of "Court of petty sessions,"—

Omit the definition.

(b) Section 3 (1), definition of "Local court"—

After the definition of "Loan", insert:—

"Local court" means a local court constituted by a Magistrate sitting alone.

(2) Sections 5, 6, 7 (2) (b) (iii), 8 (1), (3), (4), 9 (1), (2) (b), (3), 10, 11 (1), (3), 12 (1), (3), (4), (5), (6), 13 (b), 16, 18 (1), 19 (1) (g), (i), 20 (1), (2), (4), 39 (1), (2), (3), (4), (5), (6), (7), 48, 50 (1) (a), (2)—

Omit "court of petty sessions" wherever occurring, insert instead "local court".

(3) Section 20 (1), (2)—

Omit "holden before a stipendiary magistrate" wherever occurring, insert instead "constituted by a Magistrate".

(4) Sections 20 (4), 50 (1) (a)—

Omit "Courts of Petty Sessions" wherever occurring, insert instead "Local Courts".

(5) Section 51 (1) (b)—

Omit "clerks of petty sessions", insert instead "the clerks of local courts".

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

Parliamentary Electorates and Elections Act, 1912, No. 41—

(1) (a) Section 49 (1)—

Omit "court of petty sessions" wherever occurring, insert instead "local court".

(b) Sections 49 (1), 183—

Omit "stipendiary" wherever occurring.

(c) Section 49 (2)—

Omit "petty sessions", insert instead "the local court".

(2) Section 183—

Omit "having jurisdiction within", insert instead "constituting the local court for".

Pesticides Act, 1978, No. 57—

(1) Section 5 (1), definition of "court of petty sessions"—

Omit the definition.

(2) Section 59 (1) (b)—

Omit "court of petty sessions", insert instead "Local Court constituted by a Magistrate".

(3) Section 72—

Omit "stipendiary magistrate", insert instead "Magistrate".

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

Public Health Act, 1902, No. 30—

(1) Section 27 (1)—

Omit "police or stipendiary magistrate or any two justices sitting as a court of petty sessions within", insert instead "Magistrate or any 2 justices constituting a Local Court for".

(2) Section 60 (2)—

Omit "stipendiary or police magistrate", insert instead "Magistrate".

(3) (a) Section 66 (1)—

Omit "police or stipendiary magistrate, or any two justices in petty sessions", insert instead "Magistrate or any 2 justices constituting a Local Court".

(b) Sections 66 (2), (3) (a), 67, 69—

Omit "magistrate" wherever occurring, insert instead "Magistrate".

(4) Section 107 (1)—

Omit "police or stipendiary magistrate or any two justices in petty sessions", insert instead "Magistrate or any 2 justices constituting a Local Court".

Public Service Act, 1979, No. 89—

(1) Section 117—

Omit the section.

(2) Section 131 (7)—

Omit "court of petty sessions", insert instead "Local Court".

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

Pyramid Sales Act, 1974, No. 33—

(1) Section 10—

Omit "stipendiary magistrate" wherever occurring, insert instead "Magistrate".

(2) (a) Section 12 (1)—

Omit "or stipendiary".

(b) Section 12 (1)—

After "magistrate" where firstly occurring, insert "or by a Magistrate".

(c) Section 12 (1)—

Omit "the magistrate", insert instead "he".

(d) Section 12 (2), (4)—

Omit "magistrate" wherever occurring, insert instead "industrial magistrate or the Magistrate, as the case may be,".

(e) Section 12 (2), (3)—

Omit "court of petty sessions" wherever occurring, insert instead "Local Court".

(f) Section 12 (2)—

Omit "Courts of Petty Sessions", insert instead "Local Courts".

Registered Clubs Act, 1976, No. 31—

(1) Section 42 (2), (5)—

Omit "stipendiary magistrate" wherever occurring, insert instead "Magistrate".

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

(2) Section 65 (1) (b)—

Omit the paragraph, insert instead:—

(b) before a Local Court constituted by a Magistrate.

The City of Newcastle Gas and Coke Company's Incorporation Act 1866—

(1) (a) Section 17—

Omit "nearest Court of Petty Sessions of the Police District", insert instead "nearest Local Court for the district".

(b) Section 17—

Omit "the Court of Petty Sessions of the Police District" wherever occurring, insert instead "a Local Court for the district".

(2) Section 18—

Omit "Court of Petty Sessions" wherever occurring, insert instead "Local Court".

(3) Section 19—

Omit "the Court of Petty Sessions in the Police District", insert instead "a Local Court for the Local Court district".

(4) Section 20—

Omit "Court of Petty Sessions", insert instead "Local Court".

Therapeutic Goods and Cosmetics Act, 1972, No. 14—

(1) Sections 31 (1), (5), 32 (1), 50, 51—

Omit "court of petty sessions" wherever occurring, insert instead "Local Court".

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

(2) Section 33 (3)—

Omit section 33 (3) and (4), insert instead:—

(3) An order made under this section shall operate as an order under the Local Courts (Civil Claims) Act, 1970, and be enforceable as such an order under the provisions of that Act.

(3) Section 51—

Omit "stipendiary magistrate", insert instead "Magistrate".

Transport Act, 1930, No. 18—

(1) Section 4, definition of "Magistrate"—

Omit the definition.

(2) (a) Section 169A (1)—

Omit "court of petty sessions held before a stipendiary magistrate", insert instead "Local Court constituted by a Magistrate".

(b) Section 169A (2), (3)—

Omit "clerk of the court of petty sessions" wherever occurring, insert instead "Clerk of the Local Court".

(c) Section 169A (4), (5), (6)—

Omit "the court" wherever occurring, insert instead "the Local Court".

(d) Section 169A (5), (7)—

Omit "court of petty sessions" wherever occurring, insert instead "Local Court".

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

(3) Section 250 (1), (4)—

Omit "court of petty sessions" wherever occurring, insert instead "Local Court".

Water Act, 1912, No. 44—

(1) Sections 11 (5), (6), 13A (4), (5), (6), 20A (2), 20B (1), 20CA (4) (a), (b), (e), (f), (g), (h), (j), (5), (6) (a), 20CB (1) (d), (3) (a), 24—

Omit "stipendiary magistrate" wherever occurring, insert instead "Magistrate".

(2) Section 24—

Omit ", or any two justices in petty sessions", insert instead "or any 2 justices constituting a Local Court".

(3) Section 125—

Omit "police or stipendiary magistrate or any two justices in petty sessions", insert instead "Magistrate or any 2 justices constituting a Local Court".

(4) (a) Section 138A (7), (8)—

Omit "police magistrate" wherever occurring insert instead "Magistrate".

(b) Section 138A (7)—

Omit "having jurisdiction in", insert instead "constituting a Local Court for a district which consists of or includes".

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

(5) Sections 149 (6), 164 (7)—

Omit "stipendiary magistrate or police magistrate or two or more justices of the peace in petty sessions" wherever occurring, insert instead "Magistrate or 2 or more justices of the peace constituting a Local Court".

Wool, Hide and Skin Dealers Act, 1935, No. 40—

(1) (a) Section 5 (1)—

Omit "court of the petty sessions", insert instead "local court for the".

(b) Section 5 (1)—

Omit "court of petty sessions in any such", insert instead "local court for that".

(c) Section 5 (1)—

Omit "the court within such district", insert instead "whichever of those local courts is".

(d) Section 5 (6)—

Omit "court of petty sessions", insert instead "local court".

(2) Section 6 (1)—

Omit "court of petty sessions holden before a stipendiary magistrate", insert instead "local court constituted by a Magistrate".

(3) Section 12 (3)—

Omit "stipendiary magistrate in petty sessions", insert instead "Magistrate constituting a local court".

SCHEDULE 2.

(Sec. 4.)

FURTHER AMENDMENTS.

Bail (Community Welfare) Amendment Act, 1982, No. 78—

Schedule 1 (1) (b)—

Omit "court of petty sessions", insert instead "Local Court".

Community Welfare Act, 1982, No. 76—

(1) Sections 156 (1) (b), 157 (2), 162 (1) (c), 163 (2) (a), 191, 232 (3) (a) (ii), 257 (2), (3), (6), 280 (1), 305 (2)—

Omit "court of petty sessions" wherever occurring, insert instead "Local Court".

(2) Sections 162 (2), 178 (1) (b), (2), 180 (1), (6), 210 (2), 212, 293 (3), (4), 295 (5), clause 9 of Schedule 6—

Omit "stipendiary magistrate" wherever occurring, insert instead "Magistrate".

(3) Section 179 (2)—

Omit "chairman of the bench of Stipendiary Magistrates appointed under the Justices Act, 1902, or the person for the time being acting as the chairman", insert instead "Chief Magistrate of the Local Courts".

(4) Section 304—

Omit "court of petty sessions held before a stipendiary magistrate sitting alone", insert instead "Local Court constituted by a Magistrate".

SCHEDULE 2—*continued.*

FURTHER AMENDMENTS—*continued.*

Consumer Credit Act, 1981, No. 124—

(1) (a) Section 5 (1), definition of "court of petty sessions"—

Omit the definition.

(b) Section 5 (1), definition of "local court"—

After the definition of "loan contract", insert:—

"local court" means a local court constituted by a magistrate sitting alone;

(2) (a) Sections 6 (1) (c) (ii), 247 (3)—

Omit "court of petty sessions" wherever occurring, insert instead "local court".

(b) Section 6 (1) (c) (ii)—

Omit "Courts of Petty Sessions", insert instead "Local Courts".

(3) Section 247 (1), (2)—

Omit "court of petty sessions constituted by a stipendiary" wherever occurring, insert instead "local court constituted by a".

Pawnbrokers (Amendment) Act, 1980, No. 150—

(1) Schedule 1 (1)—

Omit "5 (1) (a) of the Justices Act, 1902", insert instead "6 (1) of the Local Courts Act, 1982".

SCHEDULE 2—*continued.*

FURTHER AMENDMENTS—*continued.*

(2) Schedule 1 (4)—

Omit "court of petty sessions", insert instead "local court".

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

J. A. ROWLAND,
Governor.

Government House,
Sydney, 24th December, 1982.

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