

**CREDIT (CONSUMER CLAIMS TRIBUNALS)  
AMENDMENT BILL 1987**

NEW SOUTH WALES



**EXPLANATORY NOTE**

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

This Bill is cognate with the Consumer Claims Tribunals Bill 1987.

The object of this Bill is to amend the Credit Act 1984 as a consequence of the enactment of the proposed Consumer Claims Tribunals Act 1987 so as to provide for the transfer of proceedings from the Commercial Tribunal to a consumer claims tribunal and vice versa.

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Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the proposed Act to commence on the same day as the proposed Consumer Claims Tribunals Act 1987 commences.

Clause 3 is a formal provision giving effect to the Schedule of amendments to the Principal Act.

Schedule 1 (1) inserts into section 5 (1) of the Principal Act (Definitions) a definition of "consumer claims tribunal".

Schedule 1 (2) amends section 6 of the Principal Act (which relates to the jurisdiction under the Principal Act of courts and the Commercial Tribunal) by inserting proposed subsections (5) and (6).

Proposed subsection (5) will enable proceedings instituted in, or before, a consumer claims tribunal to be transferred to the Commercial Tribunal if the matter under determination is one in which both tribunals have jurisdiction and the parties agree to, or the consumer claims tribunal directs, the transfer of the proceedings.

*Credit (Consumer Claims Tribunals) Amendment 1987*

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Proposed subsection (6) will enable the proceedings to be transferred from the Commercial Tribunal to a consumer claims tribunal.

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# CREDIT (CONSUMER CLAIMS TRIBUNALS) AMENDMENT BILL 1987

NEW SOUTH WALES



## TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Act No. 94, 1984

SCHEDULE 1—AMENDMENTS

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**CREDIT (CONSUMER CLAIMS TRIBUNALS)  
AMENDMENT BILL 1987**

NEW SOUTH WALES



No. , 1987

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**A BILL FOR**

An Act to amend the Credit Act 1984 to enable the transfer of proceedings between the Commercial Tribunal and a consumer claims tribunal and to provide for related matters.

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*Credit (Consumer Claims Tribunals) Amendment 1987*

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**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Credit (Consumer Claims Tribunals) Amendment Act 1987.

**5 Commencement**

2. This Act shall commence on the same day as the Consumer Claims Tribunals Act 1987 commences.

**Amendment of Act No. 94, 1984**

3. The Credit Act 1984 is amended as set out in Schedule 1.

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**SCHEDULE 1—AMENDMENTS**

(Sec. 3)

(1) Section 5 (**Definitions**)—

Section 5 (1), definition of “consumer claims tribunal”—

After the definition of “compulsory insurance”, insert:

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“consumer claims tribunal” means a consumer claims tribunal constituted under the Consumer Claims Tribunals Act 1987;

(2) Section 6 (**Jurisdiction of courts, consumer claims tribunals and Tribunal**)—

Section 6 (5), (6)—

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After section 6 (4), insert:

(5) Where proceedings are instituted in, or are before, a consumer claims tribunal in a matter for the determination of which the consumer claims tribunal and the Tribunal both have jurisdiction, the proceedings shall—

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(a) if all the parties so agree; or

(b) if a consumer claims tribunal of its own motion or on the application of a party so directs,

be transferred to the Tribunal in accordance with the rules of the Tribunal and shall continue before the Tribunal as if they had been instituted there.

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(6) Where proceedings are instituted in, or are before, the Tribunal in a matter for the determination of which the Tribunal and a consumer claims tribunal both have jurisdiction, the proceedings shall—

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(a) if all the parties so agree; or

*Credit (Consumer Claims Tribunals) Amendment 1987*

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SCHEDULE 1—AMENDMENTS—*continued*

(b) if the Tribunal of its own motion or on the application of a party so directs,

5 be transferred to a consumer claims tribunal in accordance with the regulations made under the Consumer Claims Tribunals Act 1987 and shall continue before the consumer claims tribunal as if they had been instituted there.





**CREDIT (CONSUMER CLAIMS TRIBUNALS)  
AMENDMENT ACT 1987 No. 207**

NEW SOUTH WALES



**TABLE OF PROVISIONS**

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  2. Commencement
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**CREDIT (CONSUMER CLAIMS TRIBUNALS) AMENDMENT ACT  
1987 No. 207**

NEW SOUTH WALES



**Act No. 207, 1987**

An Act to amend the Credit Act 1984 to enable the transfer of proceedings between the Commercial Tribunal and a consumer claims tribunal and to provide for related matters. [Assented to 8 December 1987]

*Credit (Consumer Claims Tribunals) Amendment 1987*

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**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Credit (Consumer Claims Tribunals) Amendment Act 1987.

**Commencement**

2. This Act shall commence on the same day as the Consumer Claims Tribunals Act 1987 commences.

**Amendment of Act No. 94, 1984**

3. The Credit Act 1984 is amended as set out in Schedule 1.

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**SCHEDULE 1—AMENDMENTS**

(Sec. 3)

(1) Section 5 (**Definitions**)—

Section 5 (1), definition of “consumer claims tribunal”—

After the definition of “compulsory insurance”, insert:

“consumer claims tribunal” means a consumer claims tribunal constituted under the Consumer Claims Tribunals Act 1987;

(2) Section 6 (**Jurisdiction of courts, consumer claims tribunals and Tribunal**)—

Section 6 (5), (6)—

After section 6 (4), insert:

(5) Where proceedings are instituted in, or are before, a consumer claims tribunal in a matter for the determination of which the consumer claims tribunal and the Tribunal both have jurisdiction, the proceedings shall—

(a) if all the parties so agree; or

(b) if a consumer claims tribunal of its own motion or on the application of a party so directs,

be transferred to the Tribunal in accordance with the rules of the Tribunal and shall continue before the Tribunal as if they had been instituted there.

(6) Where proceedings are instituted in, or are before, the Tribunal in a matter for the determination of which the Tribunal and a consumer claims tribunal both have jurisdiction, the proceedings shall—

(a) if all the parties so agree; or

*Credit (Consumer Claims Tribunals) Amendment 1987*

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SCHEDULE 1—AMENDMENTS—*continued*

(b) if the Tribunal of its own motion or on the application of a party so directs,

be transferred to a consumer claims tribunal in accordance with the regulations made under the Consumer Claims Tribunals Act 1987 and shall continue before the consumer claims tribunal as if they had been instituted there.





