

LOCAL COURTS (AMENDMENT) BILL, 1984

EXPLANATORY NOTE

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

The objects of this Bill are—

- (a) to provide that a Stipendiary Magistrate who is not appointed as a Magistrate at the proclamation of commencement of the Local Courts Act, 1982, is to be entitled to be appointed to some position in the Public Service and to be entitled, until—
 - (i) attaining the age of 60 years; or
 - (ii) ceasing to be a public servant,to be paid salary at a rate not lower than that for the time being payable to a Magistrate of the same rank or grading (Schedule 1 (1)—proposed clause 5 (3) of Schedule 1); and
 - (b) to provide that a former Stipendiary Magistrate who is appointed as a Magistrate at the proclamation of commencement of the Local Courts Act, 1982, need not take an oath of office if one has already been taken as a Stipendiary Magistrate (Schedule 1 (2)—proposed clause 7A of Schedule 1).
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LOCAL COURTS (AMENDMENT) BILL, 1984

No. , 1984.

A BILL FOR

An Act to amend the Local Courts Act, 1982, to make further provisions relating to certain stipendiary magistrates who do not accede to the office of Magistrate and certain other matters.

Local Courts (Amendment) 1984

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 "Local Courts (Amendment) Act, 1984".

Amendment of Act No. 164, 1982.

2. The Local Courts Act, 1982, is amended in the manner set forth in 10 Schedule 1.

SCHEDULE 1.

(Sec. 2.)

AMENDMENTS TO THE LOCAL COURTS ACT, 1982.

(1) Schedule 1, clause 5 (3), (4)—

15 Omit clause 5 (3), insert instead:—

(3) A former Magistrate who does not accede to the office of a Magistrate on the appointed day is, if the former Magistrate has not attained the age of 60 years, entitled to be appointed to some position in the Public Service and is, until—

20 (a) attaining that age; or

(b) ceasing to be a public servant,
 whichever first occurs, entitled to be paid salary at a rate not lower than the rate of salary for the time being payable to a Magistrate of the rank or grading that is the equivalent (or the nearest equivalent)
 25 of the rank or grading held by the former Magistrate immediately before the appointed day.

*Local Courts (Amendment) 1984*SCHEDULE 1—*continued.*AMENDMENTS TO THE LOCAL COURTS ACT, 1982—*continued.*

5 (4) Neither the enactment of nor the provisions of subclause (3) shall be treated by any court or tribunal, or in any other way, as a precedent for the manner in which other persons may be dealt with.

(2) Schedule 1, clause 7A—

After clause 7, insert:—

Oath of office.

10 7A. (1) In this clause, “re-appointed person” means a person—

(a) who held the office of stipendiary magistrate immediately before the appointed day; and

15 (b) who is appointed under this Act by the Governor to be a Magistrate so as to accede to that office on the appointed day.

(2) A re-appointed person who complied with section 9 of the Justices Act, 1902, before the appointed day shall be deemed to have—

20 (a) taken and subscribed the oaths, or made and subscribed the affirmations, referred to in section 16 (1) of this Act; and

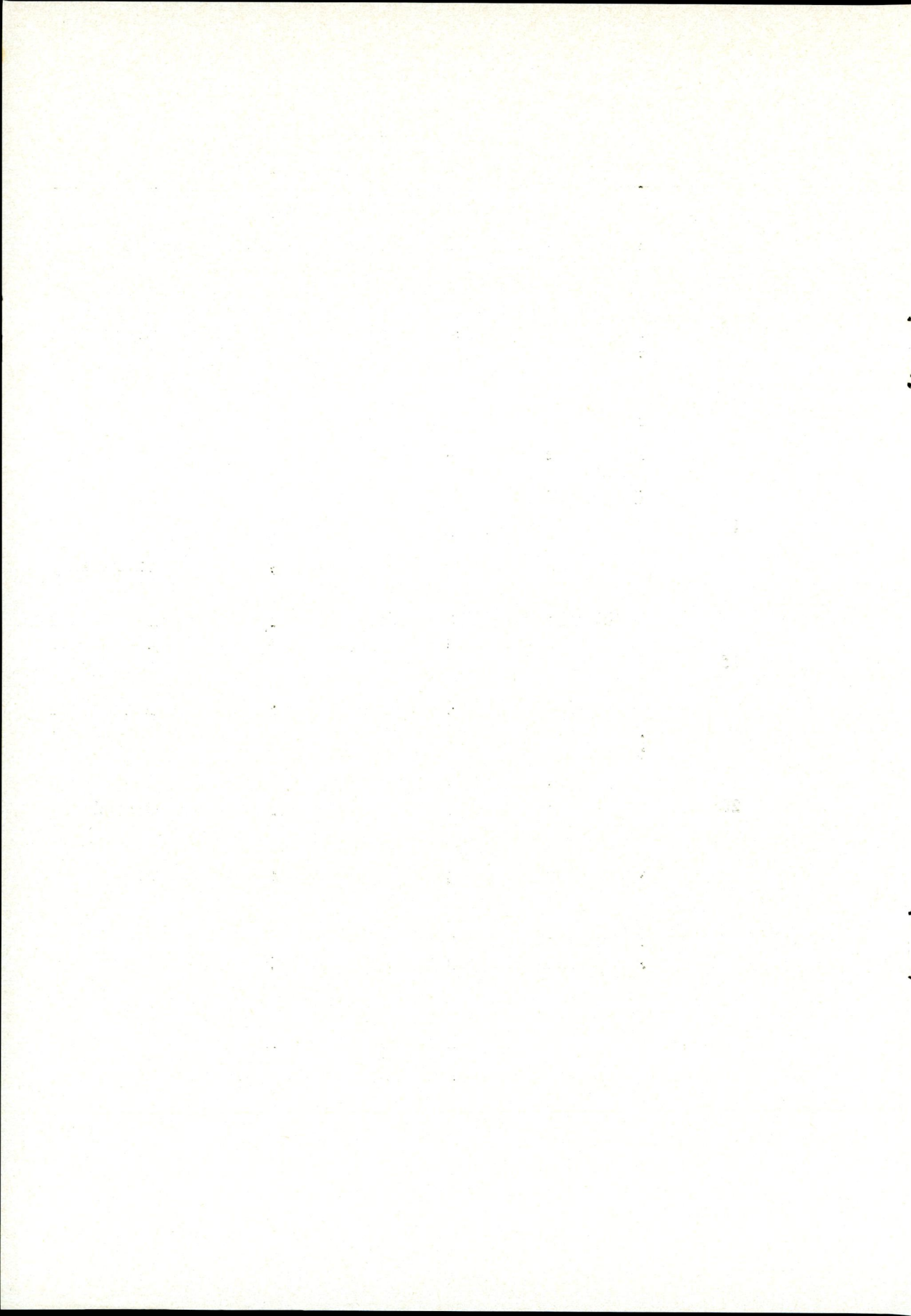
(b) transmitted them to the Minister,
within 3 months of the person’s appointment as a Magistrate.

(3) Schedule 1, clause 8 (4) (a)—

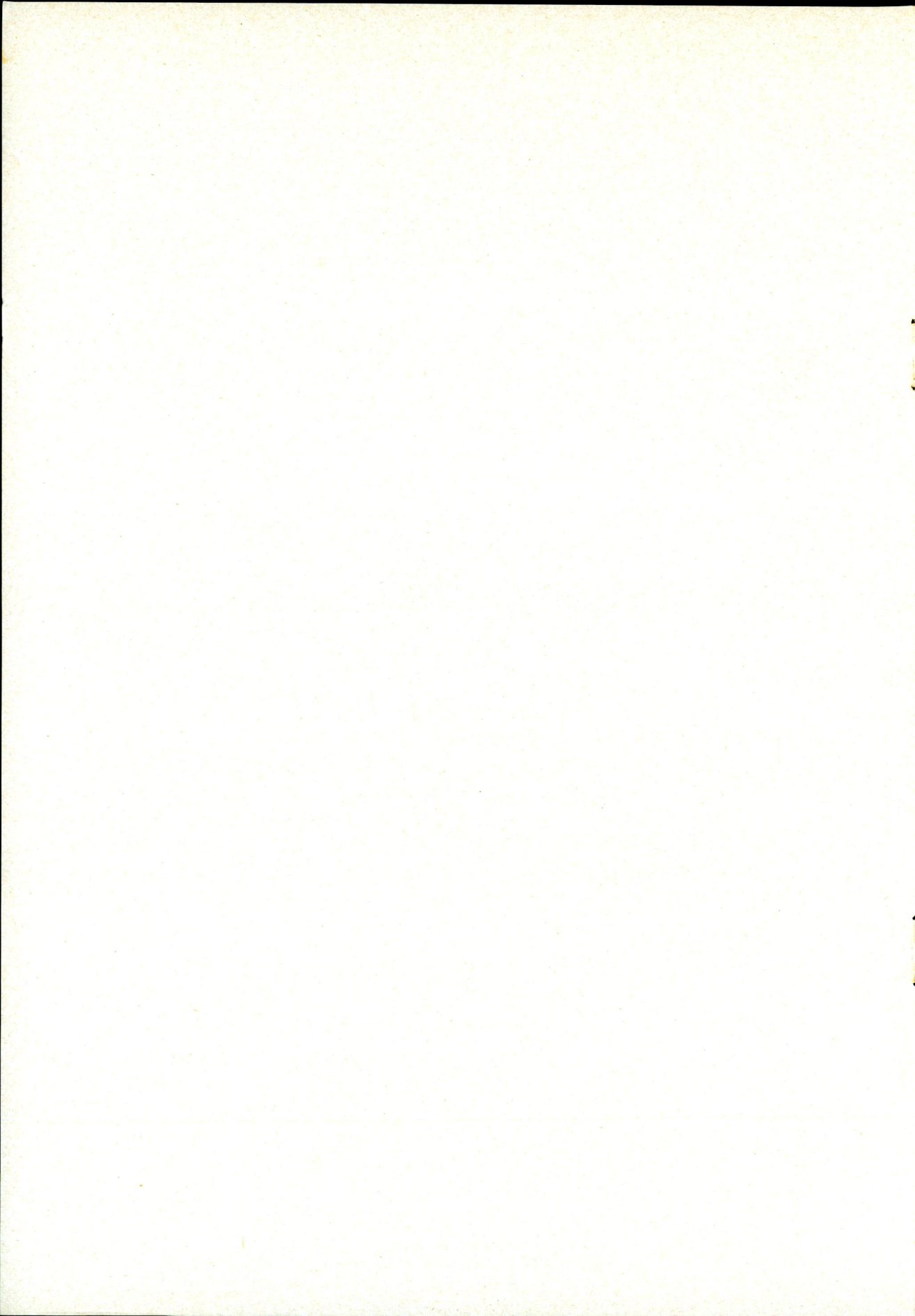
After “Schedule”, insert “, except clause 5 (3) and (4)”.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1984







LOCAL COURTS (AMENDMENT) ACT, 1984, No. 142

New South Wales



ANNO TRICESIMO TERTIO

ELIZABETHÆ II REGINÆ

Act No. 142, 1984.

An Act to amend the Local Courts Act, 1982, to make further provisions relating to certain stipendiary magistrates who do not accede to the office of Magistrate and certain other matters. [Assented to, 4th December, 1984.]

Local Courts (Amendment) 1984

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 "Local Courts (Amendment) Act, 1984".

Amendment of Act No. 164, 1982.

2. The Local Courts Act, 1982, is amended in the manner set forth in Schedule 1.

SCHEDULE 1.

(Sec. 2.)

AMENDMENTS TO THE LOCAL COURTS ACT, 1982.

(1) Schedule 1, clause 5 (3), (4)—

Omit clause 5 (3), insert instead:—

(3) A former Magistrate who does not accede to the office of a Magistrate on the appointed day is, if the former Magistrate has not attained the age of 60 years, entitled to be appointed to some position in the Public Service and is, until—

(a) attaining that age; or

(b) ceasing to be a public servant,

whichever first occurs, entitled to be paid salary at a rate not lower than the rate of salary for the time being payable to a Magistrate of the rank or grading that is the equivalent (or the nearest equivalent) of the rank or grading held by the former Magistrate immediately before the appointed day.

Local Courts (Amendment) 1984

SCHEDULE 1—*continued.*

AMENDMENTS TO THE LOCAL COURTS ACT, 1982—*continued.*

(4) Neither the enactment of nor the provisions of subclause (3) shall be treated by any court or tribunal, or in any other way, as a precedent for the manner in which other persons may be dealt with.

(2) Schedule 1, clause 7A—

After clause 7, insert:—

Oath of office.

7A. (1) In this clause, “re-appointed person” means a person—

- (a) who held the office of stipendiary magistrate immediately before the appointed day; and
- (b) who is appointed under this Act by the Governor to be a Magistrate so as to accede to that office on the appointed day.

(2) A re-appointed person who complied with section 9 of the Justices Act, 1902, before the appointed day shall be deemed to have—

- (a) taken and subscribed the oaths, or made and subscribed the affirmation, referred to in section 16 (1) of this Act and
- (b) transmitted them to the Minister,

within 3 months of the person’s appointment as a Magistrate.

(3) Schedule 1, clause 8 (4) (a)—

After “Schedule”, insert “, except clause 5 (3) and (4)”.

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

J. A. ROWLAND,
Governor.

*Government House,
Sydney, 4th December, 1984.*

