

**SUITORS' FUND (LAND AND ENVIRONMENT COURT)
AMENDMENT BILL, 1985**

EXPLANATORY NOTE

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

This Bill is cognate with the Land and Environment Court (Amendment) Bill, 1985.

The object of this Bill is to amend the Suitors' Fund Act, 1951, so as—

- (a) to extend the provisions of that Act whereby a respondent to an appeal to certain courts is entitled to payment from the Suitors' Fund established under that Act of certain costs of the appeal, to include an appeal under proposed section 56A of the Land and Environment Court Act, 1979, to the Land and Environment Court from a decision of a conciliation and technical assessor of that Court (Schedule 1 (2) (a)); and
 - (b) to make other provisions of a consequential or ancillary nature.
-



**SUITORS' FUND (LAND AND ENVIRONMENT COURT)
AMENDMENT BILL, 1985**

No. , 1985.

A BILL FOR

An Act to amend the Suitors' Fund Act, 1951, in relation to the costs of certain appeals to the Land and Environment Court.

Suitors' Fund (Land and Environment Court) Amendment 1985

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 "Suitors' Fund (Land and Environment Court) Amendment Act, 1985".

Commencement.

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

10 (2) Except as provided by subsection (1), this Act shall commence on the day appointed and notified under section 2 (2) of the Land and Environment Court (Amendment) Act, 1985.

Amendment of Act No. 3, 1951.

3. The Suitors' Fund Act, 1951, is amended in the manner set forth in 15 Schedule 1.

SCHEDULE 1.

(Sec. 3.)

AMENDMENTS TO THE SUITORS' FUND ACT, 1951.

(1) (a) Section 2, definition of "Indemnity certificate"—

20 Omit "subsection (1) or subsection (1A) of section 6", insert instead "section 6 (1), (1A) or (1AA)".

(b) Section 2, definition of "Land and Environment Court"—

After the definition of "Indemnity certificate", insert:—

25 "Land and Environment Court" means the Land and Environment Court constituted under the Land and Environment Court Act, 1979.

Suitors' Fund (Land and Environment Court) Amendment 1985

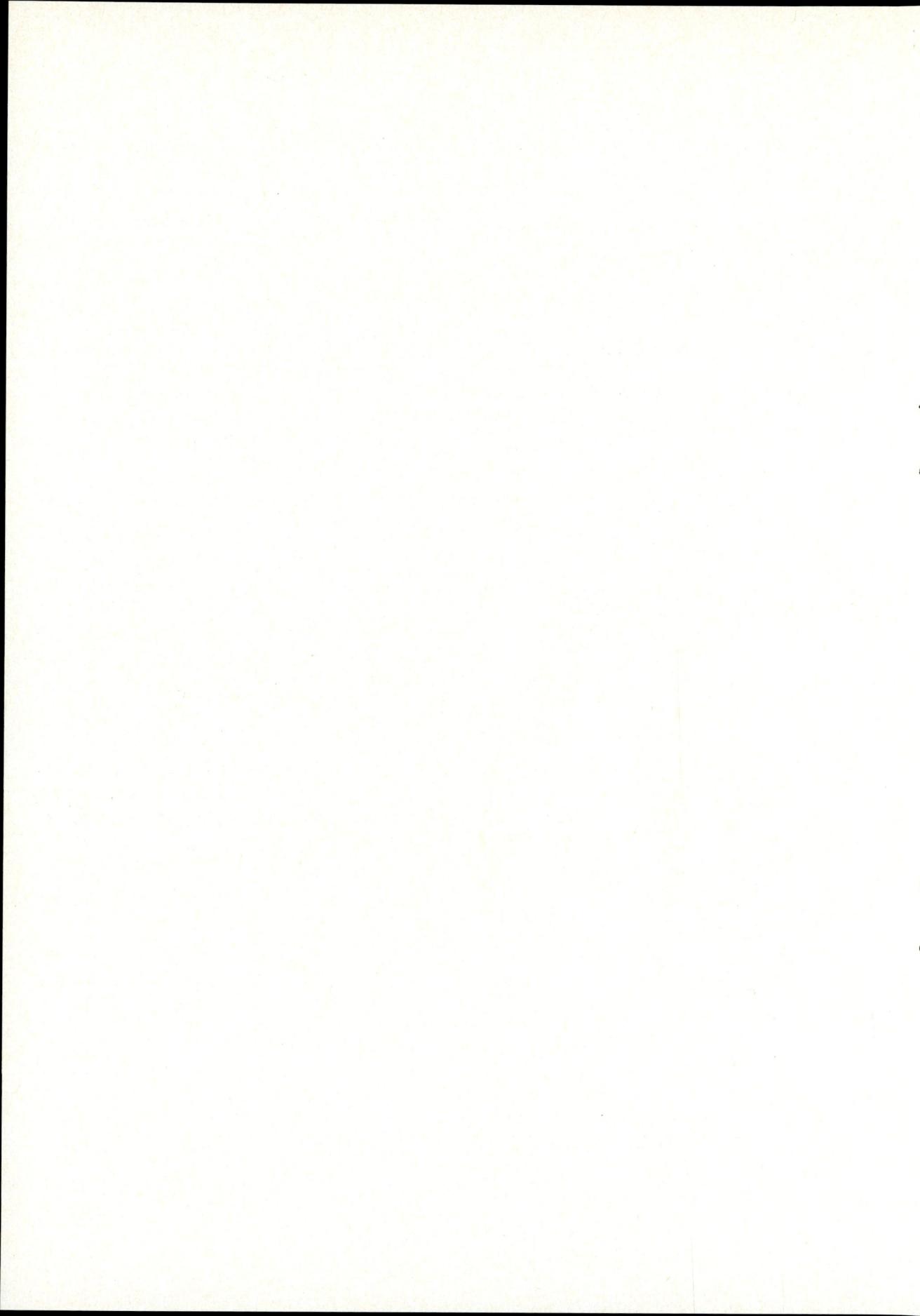
SCHEDULE 1—*continued.*

AMENDMENTS TO THE SUITORS' FUND ACT, 1951—*continued.*

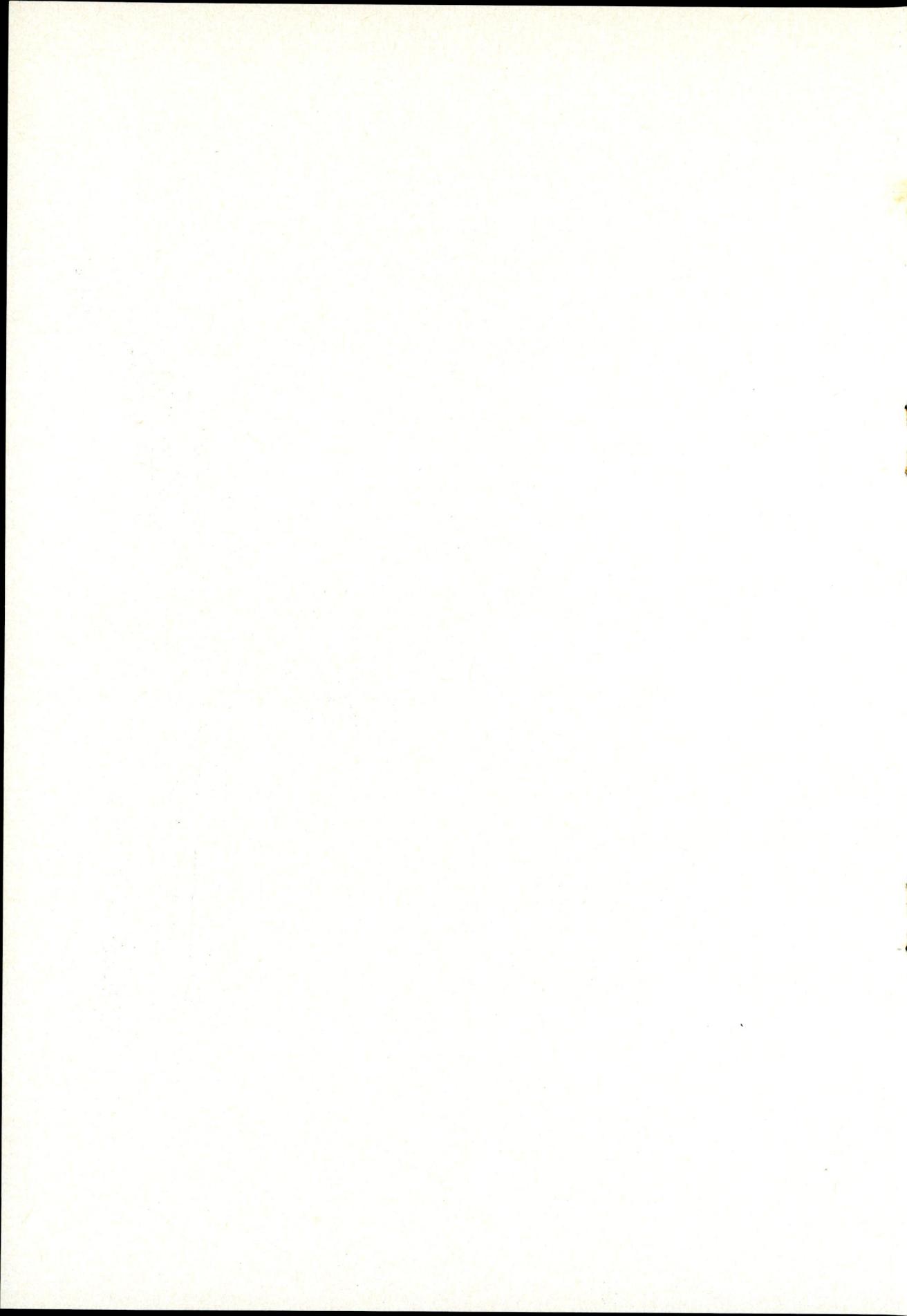
- (2) (a) Section 6 (1AA)—
- After section 6 (1A), insert:—
- 5 (1AA) Where an appeal under section 56A of the Land and Environment Court Act, 1979, to the Land and Environment Court on a question of law succeeds, that Court may, upon application made in that behalf, grant to the respondent to the appeal or to any one or more of several respondents to the
- 10 appeal an indemnity certificate in respect of the appeal.
- (b) Section 6 (2A) (a)—
- After "Supreme Court", insert "or the Land and Environment Court".
- (c) Section 6 (5)—
- 15 After "Supreme Court.", insert "Land and Environment Court.".
- (d) Section 6 (5A)—
- Omit "or (1A)", insert instead ", (1A) or (1AA)".

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1985







**SUITORS' FUND (LAND AND ENVIRONMENT COURT)
AMENDMENT ACT, 1985, No. 64**

New South Wales



ANNO TRICESIMO QUARTO

ELIZABETHÆ II REGINÆ

* * * * *

Act No. 64, 1985.

An Act to amend the Suitors' Fund Act, 1951, in relation to the costs of certain appeals to the Land and Environment Court. [Assented to, 15th May, 1985.]

Suitors' Fund (Land and Environment Court) Amendment 1985

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 "Suitors' Fund (Land and Environment Court) Amendment Act, 1985".

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 the day appointed and notified under section 2 (2) of the Land and Environment Court (Amendment) Act, 1985.

Amendment of Act No. 3, 1951.

3. The Suitors' Fund Act, 1951, is amended in the manner set forth in Schedule 1.

SCHEDULE 1.

(Sec. 3.)

AMENDMENTS TO THE SUITORS' FUND ACT, 1951.

(1) (a) Section 2, definition of "Indemnity certificate"—

Omit "subsection (1) or subsection (1A) of section 6", insert instead "section 6 (1), (1A) or (1AA)".

(b) Section 2, definition of "Land and Environment Court"—

After the definition of "Indemnity certificate", insert:—

"Land and Environment Court" means the Land and Environment Court constituted under the Land and Environment Court Act, 1979.

Suitors' Fund (Land and Environment Court) Amendment 1985

SCHEDULE 1—*continued.*

AMENDMENTS TO THE SUITORS' FUND ACT, 1951—*continued.*

(2) (a) Section 6 (1AA)—

After section 6 (1A), insert:—

(1AA) Where an appeal under section 56A of the Land and Environment Court Act, 1979, to the Land and Environment Court on a question of law succeeds, that Court may, upon application made in that behalf, grant to the respondent to the appeal or to any one or more of several respondents to the appeal an indemnity certificate in respect of the appeal.

(b) Section 6 (2A) (a)—

After "Supreme Court", insert "or the Land and Environment Court".

(c) Section 6 (5)—

After "Supreme Court,", insert "Land and Environment Court,".

(d) Section 6 (5A)—

Omit "or (1A)", insert instead ", (1A) or (1AA)".

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

J. A. ROWLAND,
Governor.

*Government House,
Sydney, 15th May, 1985.*

