

FIRST PRINT

**SUPREME COURT (COMMERCIAL DIVISION)  
AMENDMENT BILL, 1985**

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**EXPLANATORY NOTE**

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

The objects of this Bill are to amend the Supreme Court Act, 1970, so as—

- (a) to establish a Commercial Division of the Supreme Court (Schedule 1 (2));
- (b) to provide that there are to be assigned to the Commercial Division proceedings of a commercial nature where required by any Act or by the Supreme Court Rules to be dealt with in that Division (Schedule 1 (4));
- (c) to abolish the Commercial List, with appropriate transitional provisions (Schedule 1 (5) and clause 4); and
- (d) to provide that the Supreme Court may give directions for the speedy determination of the real questions between the parties to proceedings in the Commercial Division (Schedule 1 (6)),

and to make other provisions of a minor, consequential or ancillary nature.

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**SUPREME COURT (COMMERCIAL DIVISION)  
AMENDMENT BILL, 1985**

No.       , 1985.

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**A BILL FOR**

An Act to amend the Supreme Court Act, 1970, for the purpose of establishing a Commercial Division of the Supreme Court, and for other purposes.

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*Supreme Court (Commercial Division) Amendment 1985*

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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 "Supreme Court (Commercial Division) 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 such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

**Amendment of Act No. 52, 1970.**

15 3. The Supreme Court Act, 1970, is amended in the manner set forth in Schedule 1.

**Transitional provisions.**

4. Unless the Supreme Court otherwise orders—

20 (a) any proceedings in the commercial list of the Court immediately before the commencement of this Act shall be deemed to be proceedings in the Commercial Division of the Court; and

(b) any other proceedings pending in the Court immediately before the commencement of this Act are not affected by the amendments made by this Act.

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*Supreme Court (Commercial Division) Amendment 1985*

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## SCHEDULE 1.

(Sec. 3.)

## AMENDMENTS TO THE SUPREME COURT ACT, 1970.

- (1) Section 4—  
5 Omit the section.
- (2) (a) Section 38 (b) (vii)—  
Omit “and”.  
(b) Section 38 (b) (ix)—  
After section 38 (b) (viii), insert:—  
10 (ix) the Commercial Division.
- (3) Section 41 (1) (h)—  
After section 41 (1) (g), insert:—  
(h) in the Commercial Division by such Judge or Judges as may  
be nominated by the Chief Justice to act in that Division.
- 15 (4) (a) Section 53 (1)—  
Omit “and the Criminal Division”, insert instead “, the  
Criminal Division and the Commercial Division”.  
(b) Section 53 (3E)—  
After section 53 (3D), insert:—  
20 (3E) Subject to the rules, there shall be assigned to the  
Commercial Division all proceedings of a commercial nature  
which are required by or under any Act, or by or in accordance  
with the rules, from time to time in force to be commenced,  
heard or determined in that Division.
- 25 (5) Part III, Division 3 (section 56)—  
Omit the Division.

*Supreme Court (Commercial Division) Amendment 1985*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE SUPREME COURT ACT, 1970—*continued.*

(6) Section 76A—

After section 76, insert:—

5       **Directions for the speedy determination of real questions in  
commercial proceedings.**

10       76A. The Court may, from time to time, give such directions as  
the Court thinks fit (whether or not inconsistent with the rules) for  
the speedy determination of the real questions between the parties  
to proceedings in the Commercial Division.

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BY AUTHORITY

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







**SUPREME COURT (COMMERCIAL DIVISION) AMENDMENT  
ACT, 1985, No. 28**

*New South Wales*



ANNO TRICESIMO QUARTO

**ELIZABETHÆ II REGINÆ**

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**Act No. 28, 1985.**

An Act to amend the Supreme Court Act, 1970, for the purpose of establishing a Commercial Division of the Supreme Court, and for other purposes. [Assented to, 22nd April, 1985.]

*Supreme Court (Commercial Division) Amendment 1985*

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**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 "Supreme Court (Commercial Division) 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 such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

**Amendment of Act No. 52, 1970.**

3. The Supreme Court Act, 1970, is amended in the manner set forth in Schedule 1.

**Transitional provisions.**

4. Unless the Supreme Court otherwise orders—

(a) any proceedings in the commercial list of the Court immediately before the commencement of this Act shall be deemed to be proceedings in the Commercial Division of the Court; and

(b) any other proceedings pending in the Court immediately before the commencement of this Act are not affected by the amendments made by this Act.

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*Supreme Court (Commercial Division) Amendment 1985*

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## SCHEDULE 1.

(Sec. 3.)

## AMENDMENTS TO THE SUPREME COURT ACT, 1970.

## (1) Section 4—

Omit the section.

## (2) (a) Section 38 (b) (vii)—

Omit “and”.

## (b) Section 38 (b) (ix)—

After section 38 (b) (viii), insert:—

(ix) the Commercial Division.

## (3) Section 41 (1) (h)—

After section 41 (1) (g), insert:—

(h) in the Commercial Division by such Judge or Judges as may be nominated by the Chief Justice to act in that Division.

## (4) (a) Section 53 (1)—

Omit “and the Criminal Division”, insert instead “, the Criminal Division and the Commercial Division”.

## (b) Section 53 (3E)—

After section 53 (3D), insert:—

(3E) Subject to the rules, there shall be assigned to the Commercial Division all proceedings of a commercial nature which are required by or under any Act, or by or in accordance with the rules, from time to time in force to be commenced, heard or determined in that Division.

## (5) Part III, Division 3 (section 56)—

Omit the Division.

*Supreme Court (Commercial Division) Amendment 1985*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE SUPREME COURT ACT, 1970—*continued.*

(6) Section 76A—

After section 76, insert:—

**Directions for the speedy determination of real questions in commercial proceedings.**

76A. The Court may, from time to time, give such directions as the Court thinks fit (whether or not inconsistent with the rules) for the speedy determination of the real questions between the parties to proceedings in the Commercial Division.

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

J. A. ROWLAND,  
*Governor.*

*Government House,  
Sydney, 22nd April, 1985.*